



Student Ombuds Office Terms of Reference

1. DEFINITIONS

- a) "Committee" refers to the Student Ombuds Advisory Committee.
- b) "Ombuds" or the "Office" means the University of Calgary Student Ombuds Office and is intended to cover not only the Ombuds or the University of Calgary Student Ombuds Office, respectively, but also other staff who may be authorized from time to time to carry out certain functions of the Office.
- c) "Student" is an individual who is registered in a course or course of study at the University or who was registered in a course or course of study
- d) "University" means the University of Calgary

2. PURPOSE/MANDATE

- a) The University of Calgary is committed to the fair and just treatment of every member of the university community. In keeping with this commitment, the University of Calgary Student Ombuds Office was created in 2010 to ensure students have a safe, confidential, and impartial resource to discuss and help resolve any student related issue(s) that may arise.
- b) The Ombuds is accountable to the broad University community and the Vice-Provost (Student Experience) for fulfilling the terms of the office established in this Terms of Reference.
- c) The Student Ombuds Office:
 - i. is an independent, impartial, informal, and confidential resource through which students of the university may find assistance and advice
 - ii. makes recommendations, where appropriate, for changes in university policies and procedures. The Office also promotes discussion on institution-wide concerns.
 - iii. will be a voting member of the Association of Canadian Colleges and University Ombudspersons (ACCUO), and will be guided by and adhere to the *Standards of Practice* of the association.
- d) The Ombuds advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the university.

3. STATEMENT OF PRINCIPLES

a) Impartiality

- i. The Office will assess and respond to all complaints with impartiality and will act in consideration of and with respect for the legitimate interests and concerns of all affected parties.
- ii. The Office will act objectively, in a manner that avoids bias and the perception of bias.

b) Accessibility

- i. The accessibility of the Ombuds Office and the availability of the Ombuds for all members of the university community will be a priority, subject to procedural constraints placed on the operations of the Office.
- ii. Students will be able to consult with the Ombuds via; phone, e-mail, booked appointment, or on a drop-in basis.
- iii. Students will have an initial response from the Ombuds acknowledging receipt of inquiry within 2 business days, unless otherwise noted on the website, e-mail auto reply, voice message, or online booking system, and pending demand and peak service times have an appointment within 5 business days from initial contact.
- iv. Students will have the opportunity to provide anonymous and confidential feedback about the office and their experience in dealing with the office through the completion of an online questionnaire
- v. The Office will make every reasonable effort to inform the university community of its existence and functions and will publicize its operations using funds made available by the university for that purpose.

c) Informal Resolution

- i. The Ombuds will seek to resolve complaints and grievances at the lowest level within the university. Where appropriate, the Ombuds will encourage informal resolution.
- ii. Where there may be another university office for the investigation or resolution of complaints or the provision of information, the Ombuds will direct the student to such office. The Ombuds will:
 - emphasize to students their responsibility for initiating the appropriate actions; and
 - advise students to return to the office for further consultation if they are unsatisfied with an outcome.
- iii. Despite maintaining informality, the Office will keep a file including all appropriate and relevant documentation pertaining to a case.

d) Confidentiality

- i. The Ombuds will not violate university privacy or confidentiality standards in the pursuit or provision of information, and will adhere to relevant FOIP legislation. The Ombuds will respect the confidentiality of

- any information or materials to which access is provided.
- ii. All dealings with the Office will be deemed confidential. The Ombuds will not release personal information unless authorized by university policy
 - the Ombuds may disclose information to others without the written consent of the student where there is a serious threat to life or property, an imminent risk of harm or abuse, or as otherwise required by law, or university policy
 - iii. The office will treat all information and records confidentially except where required by law.
- e) Commitment to Principles of Fairness
- i. In the course of considering complaints, it will be a special concern of the Ombuds that:
 - decision makers comply with university policies and procedures;
 - university policies and procedures are fair and that the principles upon which they are based are equitable;
 - university policies and procedures do not jeopardize the human rights or due process of members of the university community;
 - the rights and responsibilities the university community are adequately defined in university policies and procedures;
 - members of the university community are aware of their rights and responsibilities as outlined in university policies and procedures, which should be made publically available;
 - the principles of natural justice and procedural fairness are observed by decision makers
- f) Commitment to Fair Process
- i. In the course of considering complaints, it will be a special concern of the Ombuds that:
 - upon consultation, students receive adequate information and resources on university related concerns;
 - cases are handled in a prompt manner in the order that they are received by the Office, except in the event that a case is judged by the Ombuds to be particularly urgent;
 - the Office adequately publishes its opinions and recommendations on university issues.
- g) The Ombuds will not make university policies or procedures; rather, the Ombuds will bring matters to the attention of the appropriate university authorities and recommend a review of the policy or procedure. Where appropriate, the Ombuds may recommend specific improvements.

4. STRUCTURE OF THE OFFICE

- a) Independence of the Office
 - i. The Ombuds will carry out the responsibilities of the Office independently of all student, staff, faculty, and administrative bodies of the university and will function independently of all decision-making structures of the university.
 - ii. The Ombuds will not be a voting member of any committee, hiring board, or council of the university. The Ombuds may act as a non-voting member or consultant to committees on issues related to policy or procedure development.
 - iii. Any student of the university has the right to seek the assistance of the Office without reprisal or threat of reprisal from any other university member or office. Any individual or body found to make such reprisals or threats will be subject to disciplinary action under the university Code of Conduct.

- b) Funding

The Ombuds Office will be solely funded by the university.

5. AUTHORITY AND JURISDICTION

- a) The Ombuds will review, at the request of any student, any complaint that may arise between that student and the university, or anyone in the university exercising authority.

- b) The Ombuds is entitled to review any issue concerning the university which affects any student member of the university community, including the application of any policy, rule, or procedure of the university.

- c) Complaints or grievances may be submitted anonymously, but the complainant should be made aware that this may limit the ability of the Ombuds to focus in on the exact nature of the alleged wrongdoing.

- d) The Ombuds will have the right to refuse or discontinue work on any case if:
 - i. The complaint is judged to be frivolous, vexatious, or an abuse of the Ombuds functions.
 - ii. The Ombuds is satisfied that the principles of natural justice and procedural fairness have been met.
 - iii. In the event that the Ombuds refuses or discontinues work on a case, the complainant will be provided a written statement of the reason for such action.

- e) The Ombuds will have the right to attend the hearings of any appeal body within the university, as long as the attendance is in accordance with the policies and procedures of the specific appeal body. The Ombuds may offer, in appeal hearings,

objective expert opinion on the university's policies and procedures, especially in regard to interpretation, definitions, and applicability.

- f) The Ombuds will not become involved in any matter covered by a collective agreement or terms and conditions of employment, unless all parties consent to the Ombuds informal involvement.
- g) The Ombuds will not participate in matters currently being heard in a court of law. The ombuds will normally not participate in university proceedings where both parties have retained legal counsel. The Ombuds may always provide to students and their legal counsel any information pertaining to university policies and procedures.

6. REPORTING AND INFORMATION MANAGEMENT

a) Reporting

- i. The Ombuds will make an annual report to the university community, providing an overview of the given year from July 1 to June 30. The annual report will provide:
 - a statistical summary of the Ombuds caseload;
 - a summary account of the recommendations made by the Ombuds and any responses received; and
 - any other material the Ombuds deems relevant.
- ii. A draft copy of the annual report will be submitted to the Advisory Committee for review prior to being publically released.
- iii. The annual report to the university community will normally be made publically available on the Ombuds Office website no later than August 31.

b) Records and Information Management

- i. The Ombuds will maintain a suitable record of complaints, findings, and recommendations. These records will be made accessible only to the Ombuds Office for the purpose of fulfilling the duties and responsibilities of the Office.
- ii. The Office will retain records in accordance with Master Records Retention Schedule (MaRRS).

7. ACCESS TO INFORMATION

- a) It is the intent of the university to make information required for the performance of the duties of the Ombuds easily and readily available. Requests for information from the Ombuds will be responded to in an open, accurate, complete, and timely manner.
- b) The Ombuds will have reasonable access to all university personnel. University personnel will respond to:

- i. Reasonable requests for information pertinent to the mandate of the Office; and
 - ii. Reasonable requests for copies of student academic records when accompanied by written authorization of the student(s) concerned.
- c) The University may deny access to a document if there is a reasonable belief that there is a legal duty to do so.
- d) The Ombuds may seek information from external contacts if such action is warranted.

8. OMBUDS ADVISORY COMMITTEE

The Ombuds will have an Ombuds Advisory Committee. Please see *Ombuds Advisory Committee Guidelines*.

9. CONFLICT OF INTEREST

- a) The Ombuds will avoid involvement in cases where there may exist a real or perceived conflict of interest.
- b) A conflict of interest will arise when the Ombuds' private interests supersede or compete with the impartial and independent role of the Ombuds Office. Where a real or perceived conflict exists, the Ombuds will:
 - i. Make this fact known to the student and all other major parties in a case;
 - ii. Ensure that the student is aware of other possible methods of resolving the matter and for receiving support;
 - iii. Notify the Vice-Provost (Student Experience) who will then assign a new support person for the student

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