

Terms of Reference
UBC Office of the Ombudsperson for Students
(Amended September 2020)

The Office of the Ombudsperson for Students

The UBC Office of the Ombudsperson for Students is an independent, impartial and confidential resource to help ensure that students are treated fairly by the University. The Office adheres to the Association of Canadian College and University Ombudspersons Standards of Practice and with a focus on fairness, equity and respect, works with the University community to achieve its institutional mission and objectives.

Authority

The jurisdiction of the Ombudsperson encompasses the activities of the Vancouver and Okanagan Campuses of the University and all references to the University in this document are to be read in that context.

The Ombudsperson shall be independent of all existing university and student administrative structures. The Ombudsperson reports to the President, as defined below.

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 and own motion investigations, 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.

The functions of the Ombudsperson are:

- 1) To investigate, in an impartial fashion, on the Ombudsperson's own motion or upon receipt of fairness-related complaints brought forward by any student about UBC and UBC employees or agents. The Ombudsperson may also 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. Such authorities shall respond to the Ombudsperson's recommendations within 60 days of receipt of the same and such response may be published in the Ombudsperson's annual report.

Access to Information

The Ombudsperson shall have access, in accordance with the *Freedom of Information and Protection of Privacy Act*, to persons, information and files as they deem necessary to fulfil the functions of the UBC Office of the Ombudsperson for Students. Requests by the Ombudsperson for information shall be addressed in an expeditious manner by all members of the University community.

Confidentiality

The Ombudsperson will treat all information obtained through the course of their duties in a professional and discreet manner such that utmost care and respect will be held for all individuals concerned. The Ombudsperson shall act 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 their delegates, 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 their delegates from subpoena issued by parties within or outside the University.

Appointment and Reporting

The Ombuds Advisory Committees will constitute a Selection Advisory Committee to make a recommendation regarding the selection of the Ombudsperson to the President, who shall make the final hiring decision. This Selection Advisory Committee will include student, staff and faculty representation from both Ombuds Advisory Committees. In the event that the President deems a candidate unsuitable, the Selection Advisory Committee shall be given the opportunity to put forward additional names.

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

The Ombudsperson shall submit an annual report to the President, the Deputy Vice-Chancellor, the Vancouver and Okanagan Senates, the Alma Mater Society and the Graduate Student Society at the Vancouver Campus and the Student Union at the Okanagan Campus. The annual report 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 Committees, the President, and Deputy Vice-Chancellor regarding recurring or systemic issues encountered by the Ombudsperson.

Ombuds Advisory Committees

The Vancouver and Okanagan Ombuds Advisory Committees have the following functions:

- 1) To provide the Ombudsperson with advice and guidance about issues and trends relating to students' experience of fairness at UBC; to identify areas for systemic improvements; and to support and promote the Ombuds Office across the university community on both campuses.
- 2) To act as a Selection Advisory Committee to make a recommendation regarding the selection of an Ombudsperson to the President. This Committee may make a recommendation for termination if necessary, which will be considered by the President. In performing this function, the Selection Advisory Committee will include student, staff and faculty representation from both Ombuds Advisory Committees.
- 3) 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 Chairs of the Committees, noting that the Committees will not be permitted to review, overturn or otherwise interfere in any finding or recommendation of the Ombudsperson with respect to any individual case.
- 4) To review the UBC Office of the Ombudsperson for Students and these Terms of Reference at least every five years and recommend changes 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 Committees will not hear details that would reveal the identity of individuals involved in specific cases.

The Vancouver 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, Centre for Accessibility, Equity & Inclusion, 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 designate (to be nominated by the AMS Council)

The Okanagan Ombuds Advisory Committee will be comprised of six (6) voting members, upon appointment by the Deputy Vice Chancellor:

- 1) Four (4) Members from offices such as AVP Students, Disability Resource Centre, Equity & Inclusion, Aboriginal Programs and Services, and the Faculties.
- 2) One (1) Graduate Student Committee designate (to be nominated by the Graduate Student Committee).
- 3) One (1) Student Union Okanagan designate (to be nominated by the Student Union Okanagan Board of Directors).

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 Officers may attend meetings of the Committee unless requested otherwise, but they are not members of the Committee.

The Chairs will be chosen from the Committee members by majority vote of the Committees and may be any member of the Committee. Members are appointed to the Committee for two year terms, which may be renewed once. If a case comes to the UBC Office of the Ombudsperson for Students concerning any member of the Ombuds Advisory Committees, 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 Committees misses more than two (2) scheduled meetings in a row, their 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 they are not fulfilling the duties of a Committee member in an adequate manner. Members of the Committees 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 or Associate Vice-President Students and the Provost may sit on the Committees 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 their jurisdiction, is out of time, frivolous, vexatious or made in bad faith.

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

The Ombudsperson exercises no powers that are beyond the legal scope of the University. The Ombudsperson 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

UBC will not tolerate any retaliation, direct or indirect, against any individual involved in a consultation, disclosure, complaint or investigation.

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, the Student Union Okanagan and UBC itself. Despite this, student seats on the Committee will be retained even if the student financial contribution is reduced. Funding agreements with a student society will be confirmed in writing in the form of a Memorandum of Agreement.