



Ontario's Watchdog Now at Universities

Effective **January 1, 2016**, the mandate of Ontario's Ombudsman Office was expanded to include universities. So - who is this 'Ombudsman' and what does this mean for universities?

The term "Ombudsman" is a Swedish word meaning "citizen's representative" and is considered gender-neutral. In Ontario, the Ombudsman is an officer of the Legislature and is appointed by the Lieutenant Governor after a vote of the Legislative Assembly. The first Ontario Ombudsman was appointed in 1975.

The Ombudsman's mandate is to investigate complaints from the public regarding administrative practices and services and to recommend solutions. Until now, the Ombudsman's authority rested with government and colleges. Under the *Public Sector and MPP Accountability and Transparency Act, 2014* (Bill 8), the Ombudsman's mandate has now been expanded to include Ontario's 83 school boards, 444 municipalities, and 21 universities.

What We Do:

- ◆ Contracts & Legal Document reviews
- ◆ Provide advice to Senior Administration on a diverse range of issues
- ◆ Central legal contact for external parties including lawyers, paralegals and process servers
- ◆ Workshop facilitation

Who can be a complainant?

Anyone who has a concern can submit a complaint. If the complainant is not personally involved, the Ombudsman can still investigate at its discretion. Information received by the Ombudsman including the identity of the complainant, is confidential and, investigations are conducted in private; complainants' names are disclosed only with consent.

Will the Ombudsman investigate any complaint?

The Ombudsman is intended to be an 'office of last resort'. Therefore, according to the Ombudsman Office, there are certain factors which are considered before deciding to intervene:

- Age of the complaint;
- Existence of alternative remedies;
- If the complaint is considered frivolous or vexatious;
- If the complaint involves a broader public policy issue.

What happens once a complaint is made?

The Ombudsman has four options:

1. **Referral:** if a complainant has not attempted to resolve the complaint through relevant internal complaint processes or appeals, referral information may be provided to address concerns directly with the organization;
2. **Resolution:** the Ombudsman may attempt to resolve the complaint. As part of this process, the Ombudsman may contact the relevant organization to advise it of the complaint and request relevant information.
3. **Investigation:** before commencing an investigation, the relevant organization will be notified of the investigation by written notice. The investigation may include interviews and requests for relevant documentation. Under this option, the Ombudsman has the power to:
 - a) require organizations to provide information;
 - b) subpoena documents;
 - c) enter and inspect any premise.
4. **Recommendation and reporting:** following an investigation, a report is drafted with the Ombudsman's finding(s) and recommendation(s). The organization is given an opportunity to read and comment on the draft report before it is finalized. Although the Ombudsman has no power to enforce its recommendations, it can decide to publicly release the report. If the Ombudsman wishes to publicly release the report, it must be tabled with the Speaker of the Legislature before it's release.

The University has identified for the Ombudsman, appropriate contact people with respect to various practices and policies at the University. If you have any questions or if you are contacted directly by the Ombudsman's office, please contact the Office of Legal Counsel at **x58633** or by email at **m.murphy@exec.uoguelph.ca**.

Contact us:

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