Progress Report I

Action taken following the recommendations from the First Annual Report, September 2011

Office of the Ombudsperson

November 2012

at the University of Ottawa
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I. OC Transpo Universal Transit Pass (U-PASS)

The Ombudsperson’s recommendations:

1. Given the complexity of negotiating a single U-Pass between two different service providers, two municipalities in two different provinces, it is recommended that the Student Associations with the support of the University, approach the STO with the goal of negotiating an agreement to procure a U-Pass for Quebec residents within the STO territory. The proposed agreement should then be put to a vote by referendum for Québec STO residents only.

2. Given that the small minority of students residing in Québec but outside the STO territory could not, by virtue of their small number, have a reasonable expectation of influencing the overall vote, and given that they are unlikely to use the U-Pass, they should be given the option to opt-out of the program or should be exempted. It seems unreasonable to expect these students to support the public transportation costs of other students. Alternatively, if it is impossible to negotiate their exemptions from the universal program with OC Transpo, an increase in the cost of the U-Pass for all users should be considered to offset the financial burden on these students and provide for reimbursement upon request.

3. It is recommended that any future referendum on the issue of the U-Pass specify clearly the categories of students that would be exempted.

4. The University of Ottawa officials should take into consideration the impact of a further resolution concerning the U-Pass on the Québec students residing outside the OC Transpo territory in deciding on whether to agree to levy the incidental fees as part of tuition fees, and should provide support in negotiating a separate agreement with the STO.

Initial response from the SFUO: not available.

Update from the Vice President, University Affairs at SFUO, Elizabeth Kessler (October 2012):

I wanted to thank you for bringing to our attention the complaints you received with regard to the U-PASS program. We are certainly aware of the ways in which the program could be improved to better serve our members, and we are continuously working to improve it for future years. In 2012, students voted to continue the U-PASS program at a price of $180 per semester in light of reduced transit options that are available and as such, the SFUO negotiated a new contract with OC Transpo for 2012.

I wanted to take some time to outline the work that has been done over the last year to improve the program for 2012-2013 and beyond, in order to serve our members (and GSAED members for whom we also manage the program). First, the SFUO has always held the position that students who live in the STO area of service should have access to the U-PASS. Currently, students who live in the STO Area of Service do not have access because the STO does not wish to be a part of the program. If the STO decides that they want to be a part of the program in the future, we are in a position to negotiate that with them. We regularly communicate with the STO on a number of issues and they are certainly aware that students who live in the STO Area of Service have an appetite for the U-PASS and that we would like to be able to give it to them. We are hopeful that this will be a possibility in the future.
Additionally, we have been working to allow some students, who cannot benefit from the U-PASS program, to opt out of the fee. We were successful this year in creating a new exemption to the program to allow students who live outside of Ottawa to opt out. Previously, many students who commuted from outside of the city and therefore could not use the U-PASS had to pay for it anyway. Because of the demand from our members, we negotiated with OC Transpo a process for students who live outside the OC Transpo Area of service to opt out. These students need only provide proof of their residence to us before a deadline at the beginning of the year to receive an exemption from the fee. We believe that this new opt-out, which is available for the 2012-2013 academic year, will be beneficial to a large number of our members.

Finally, some students are unable to benefit from the program because they have disabilities that prevent them from being able to use public transit. This is a human rights issue, in that it is discriminatory to force someone to pay for a service they cannot use because of a disability. In these cases, we request that the student provide us with medical documentation that specifies that they are unable to use public transit for a medical reason. In each case, we require the agreement of OC Transpo in order to grant the exemption. To date, whenever a student has been able to provide the necessary medical documentation, we have been able to provide an exemption. We recognize that the procedure for this should be more clear, and we hope to develop a clear procedure the next time we renegotiate the contract with OC Transpo.

The U-PASS program is highly valued by students at the University of Ottawa as the most affordable transit option for students. The SFUO is committed to continuing the program and to improving it as necessary for our members who access it. I hope that this explanation of our work is helpful when speaking to our members about the U-PASS program.

Elizabeth Kessler
Vice President, University Affairs at SFUO
II. Issue of procedural fairness in the examination of complaints of discrimination

The Ombudsperson’s recommendation:

The purpose of this paper is to make the university aware of my concerns regarding the complaints procedure for student complaints of discrimination so that the necessary changes can be made to ensure fairness and respect for all parties, especially students. As mentioned above, I have reviewed but a small number of complaints and therefore have not performed a systematic analysis of this issue. Nonetheless, given the lack of written policies and procedures, I can only conclude that the way in which discrimination and harassment complaints are handled lack transparency and are inconsistent between faculties. The complainant is not always right, but the decision maker of the university must come to a decision in a way that is impartial, and in a way that respects the rights of all the parties involved while managing the complainant’s expectations and maintaining the confidentiality of the information collected. For now, I am pointing out the shortcomings I have found in the files that I reviewed, so that the university may become aware of them and consider ways to make the complaints procedure for harassment and discrimination complaints fairer.

Initial response from the Vice-President Academic and Provost of the University, François Houle (August 2011):

I would first like to thank you for this opportunity to comment on these two documents: Issue paper on handling complaints of discrimination and Accommodation in and out of the classroom—Recommendations towards the full integration and participation of students with a hearing disability at the University of Ottawa.

In the document addressing the discrimination and harassment complaint mechanism, you brought up a number of concerns and provided us with some very helpful ideas for solutions. You indicated, however, that your concerns came about after your involvement in a few cases and not as a result of a system-wide review.

As you mentioned in your report, the University has created the Office for the Prevention of Discrimination and Harassment, replacing the former office known as the Sexual Harassment Office. The new office has a broader mandate and handles all types of discrimination and harassment cases involving students. Complaints involving professors or staff members, however, are handled through the University’s Human Resources Service. After the new office was created, the discrimination and harassment prevention officer position remained vacant for a few months. A new officer was hired and began working in August 2010. Although this is certainly not an excuse for the delays and lack of information provided in the cases you were involved in, it seems the problems brought to your attention occurred during the transition period. The interim mechanism in place during this period did not seem to meet all needs. We have since refined this mechanism to ensure such a situation does not repeat itself. Since September 2010, the Office has received about 80 complaints, the majority of which involved students only. Most complaints were resolved informally.
You also raised some concerns about the visibility of the mechanism in place as well as how clear it was and about the fairness and effectiveness of the procedures. In order to make the complaint mechanism clear and ensure the process is fair and effective, the University developed a draft policy on the prevention of discrimination and harassment, which was recently made available to the entire university community, including your office, for consultation. Despite our efforts, we have not been able to complete the consultation process as quickly as we had anticipated, in part due to the fact that we are seeking feedback from all parties involved. We hope to complete the consultations as early as possible this fall. The draft policy contains the main principles found in current legislation. We have also developed procedures for implementing this new policy in order to provide a framework for the work of all individuals involved, to define their roles and responsibilities and to establish the different steps of the complaint process. By putting a policy and clear procedures into place that students, professors and other personnel have contributed to, we believe we will have the tools necessary to prevent and to effectively handle harassment and discrimination complaints. We expect the final approval of these tools before the end of the fall session.

In the meantime, we will continue to comply with current legislation and enforce the draft policy you received during the consultation process. We will also work to raise awareness of the Office, the policy and procedures among the student population as soon as our students begin arriving on campus this fall. I believe it is important to realize, however, that while some problems do exist, they should not overshadow the facts that numerous complaints have been resolved to the satisfaction of those students involved.

Thank you very much for your continued collaboration.

Sincerely,

François Houle
Vice-President Academic and Provost

Update from the Office of the Vice-President Academic and Provost of the University (October 2012):

In February 2012, the University of Ottawa Board of Governors approved Policy 67a regarding the prevention of discrimination and harassment. In addition to this policy, the Central Administration also implemented administrative procedures for the filing of both formal and informal complaints for students, staff and visitors on the University of Ottawa campus. These procedures work to ensure fairness, respect and transparency in the managing of discrimination and harassment complaints filed by any member of the University community and provide written and clear guidelines for complaint management. The policy and procedures are displayed on the University of Ottawa website.
III. The full participation of students with an auditory disability

The Ombudsperson’s recommendations:

1. The University should develop a more comprehensive policy on Accessibility and Accommodation which includes roles and responsibilities and increases awareness of the responsibility of the institution to achieve the full integration and participation of students with a hearing disability. It should also update its 2007 Accessibility Plan.

2. The University should undertake a systematic review of all its services to ensure accessibility for students with a hearing disability and develop an accessibility plan of action. Gaps, such as those identified for Protection services should be addressed immediately.

3. The University should encourage staff and Faculty to complete the on-line training currently available to increase awareness and understanding of the accommodation process and of their responsibilities and establish a timetable to reach 100% completion rate.

4. SFUO should review how it reaches this student population to ensure that they receive the services they are entitled to by January 2012, as required by ADOA. We encourage SFUO representatives to adopt a proactive approach to this client population and to remedy accessibility gaps such as the one identified for the Foot Patrol service.

5. When using audio tools, such as videos on its website, the University should ensure that it has an appropriate alternative way to communicate the information to the students with a hearing disability.

6. A comprehensive and centralized service should be offered for all University-related services for students with hearing disabilities, both for academic and non–academic requirements. It would make sense to consider mandating Access Service to offer such a service, provided that it is properly resourced to do so. It should also be emphasized that collaboration and consultation between the students, the professors and Access Services’ Learning Specialists is a key component to successful accommodation.

7. Access Service should adopt and communicate clear guidelines and procedures for accessing services for academic and non-academic services. The procedures should include a feedback mechanism with a simple and efficient complaint handling process.

8. The University should negotiate with the Ministère de l’Éducation du Québec a simplified process to obtain direct funding instead of requiring the students to remit to the University.

9. SFUO and the University should reach out to students with a hearing disability to offer them a comprehensive and adapted orientation to the University upon admission with respect to their respective services.

Initial response from the Vice-President Academic and Provost of the University, François Houle (August 2011):

Response to recommendations 1, 2, 3 and 5: With respect to the report on access to services at the University of Ottawa for students with a hearing disability, I would like first to highlight that we have a team of very competent individuals who are dedicated to creating a fully accessible environment in
which the dignity and independence of each member of the University community is promoted. In 2010, we created the position of senior accessibility policy advisor. This advisor is responsible for setting the University’s strategic direction in the area of accessibility and for introducing measures required to ensure that individuals with disabilities benefit from free and unobstructed access to campus life. A number of the recommendations put forward in your report (1, 2, 3 and 5) fall under the policy advisor’s area of responsibility; she will incorporate them into her work plan for the coming year. We have already begun defining the roles and responsibilities in our procedures for implementing the accessibility policy. We have also started the process of updating our accessibility plan. In addition, we have developed a new strategy that will be put into place this fall in order to promote and increase participation in online accessibility training among members of the University community. The advisor will also work with our faculties and services to improve the various communication tools in order to make them more accessible.

Response to recommendations 6, 7, 8 and 9: Access Service and SASS will ensure recommendations 6, 7, 8 and 9 in your report are addressed. First, the idea of a one-stop centre will be examined carefully as well as other ideas that may help us improve access for students with a hearing or other type of disability. With respect to the guidelines and procedures for accessing services, we will look at current tools and see what can be done to improve them. SASS and staff in my office will get in touch with Quebec’s Ministère de l’Éducation, du Loisir et du Sport this fall to find solutions to the issue of financing Quebec students attending our institution. Finally, Access Service will review the orientation session offered to students with disabilities to find ways it can be adapted to the needs of students with a hearing disability.

As you see, we have already acted on a number of the points brought up in your two reports. Your comments have been extremely valuable and have helped guide our thinking and our actions in both these important areas.

Thank you very much for your continued collaboration.

Sincerely,

François Houle
Vice-President Academic and Provost

Initial response from SFUO to recommendation no. 4: not available.
Progress Report I: Action taken following the recommendations from the First Annual Report.

Update from the Office of the Vice-President Academic and Provost of the University (October 2012):

Response to recommendations 1 and 2: The University is in the process of developing a comprehensive policy and procedural guidelines on accessibility and accommodation. A full-time senior accessibility advisor has been hired and a number of accessibility committees are in place to develop this policy and ensure accommodation for all students, including those with hearing impairments.

Response to recommendation 3: The University continues to encourage all faculty and staff to follow the online training currently available. In addition, other accommodation workshops have been developed, targeting specific areas such as web development and creating accessible documents for teaching.

Response to recommendation 5: All new central website programming, including UoZone, is following Accessibility for Ontarians with Disabilities Act requirements.

Response to recommendation 6: This recommendation addressed the establishment of centralized accessibility services for hearing-impaired students that cover both academic and non-academic requirements. The current SASS Access Service mandate uses government funds to provide service for all full-time and part-time students registered in credit courses only. For extracurricular activities, services are provided upon request since provincial funds do not cover these expenses.

Response to recommendation 7: Access Service has revamped many of its guidelines and procedures in an effort to make them clearer and more efficient. A separate document outlining all of the guidelines for accessing interpretation services through Access Service was prepared in the summer of 2011 and has been in circulation since September 2011. Access Service is currently developing a new online customer relationship tool called “Ventus” which will allow more documents to be accessed online and allow students to view their file and request changes through the web.

Response to recommendation 8: In the summer of 2011, the Office of the Vice-President Academic and Provost contacted the Quebec Ministry of Education to explore the possibility of direct funding for Quebec hearing-impaired students studying at the University of Ottawa. At the present time, the Ministry does not want to make any changes to the way the funds are directed.

Response to recommendation 9: All newly registered students with disabilities are invited to attend a summer transition program at the University of Ottawa. This program is funded by the Ministry of Training, Colleges and Universities and has been in place for a number of years.

Update from the President of the SFUO, Ethan Plato (October 2012):

Response to recommendation 4: The Student Federation has been taking proactive steps to ensure that it is complying and exceeding the requirements of the AODA Standards, including customer service for students with auditory
disabilities. Last year, there was an ad-hoc Accessibility Committee created, and this year it was turned into a permanent committee to ensure that our organization is fulfilling its duty to accommodate. Included in these initiatives is mandatory accessibility training for all staff and board members, with training for all volunteers planned for next year. The committee is also researching assistive technologies to be purchased for service delivery purposes using the accessibility fund of the Federation. Further to that, it is drafting a unified accommodation policy for the whole organization, is working to establish a real-time notice of disruption system, and has completely redesigned its website to be Web Content Accessibility Guidelines (WCAG) 2.0 compliant. Finally, we are implementing a feedback process both online and in hard copy to allow us to best suit the needs of our members. This, along with the work of our Centre for Students with Disabilities comprises our overall approach to accessibility within our organization and the greater university community. The timeline for these changes ranges from immediate or already accomplished to longer term.

Please let me know if you have any further questions.

Sincerely,

Ethan Plato
President of the SFUO