



FIRST ANNUAL REPORT

September 2010 to May 2011



Office of the
Ombudsperson
at the University of Ottawa

To the entire University community,

I am very pleased to submit to you the first annual report of the Office of the Ombudsperson for the University of Ottawa as required under Article 8 of the Terms of Reference of the Ombudsperson.

I sincerely hope that my first report helps to raise awareness of the role of the Office of the Ombudsperson and of the services that it can provide to the University of Ottawa and to the quest for fair and reasonable decisions.

This report covers the period from September 1, 2010 to May 31, 2011.

Lucie Allaire
Ombudsperson

September 8, 2011



“Generally, if we are paying attention, we know what life is like for us in our part of the system. Other parts of the system are, for the most part, invisible to us. We do not know what others are experiencing, what their worlds are like, what issues they are dealing with, what dilemmas they are facing, what stresses they are undergoing. To make matters worse, sometimes we think we know when in fact we do not. We have our beliefs, myths, and prejudice, which we accept as the truth and which become the bases of our actions. This blindness to other parts of the system - which we call spacial blindness - is a source of considerable misunderstanding, conflict, and diminished system contribution.”¹

1. Barry Oshry, *Seeing systems, unlocking the mysteries of organizational life* (San Francisco: Berrett-Koehler Publishers, Inc, 2007) p.1.

Acknowledgements

I would like to thank the members of the Advisory Committee of the Ombudsperson for the trust that they have shown me by supporting my appointment as the first Ombudsperson for the University of Ottawa. Throughout the year, they have offered me advice and support to ensure the success of the launch of this new service for the entire University community. I very much valued their commitment to the successful launch of this new office and their sage advice throughout the year. I also appreciate everyone who came to seek my assistance - students, professors, administrative staff - and who, for the first time, called upon the services of an ombudsperson. Without their actions and the trust they placed in me, my work would not be possible. I also thank everyone in the students associations and the University, who patiently answered my questions, agreed to meet with me to discuss situations, reviewed a recommendation, and sought to find sound, fair and reasonable solutions.

Introduction

The Office of the Ombudsperson opened its doors on September 1, 2010 for the first time at the University of Ottawa. Our priorities this year were to open the office in time for the September 2010 academic year, to inform the community about the role and duties of the Ombudsperson, to make it accessible to the entire University community, and to respond to requests for service as quickly as possible. When I took on the job, the position's Terms of Reference had already been approved and they guided me in my duties throughout the year. They had been well thought out and, based on my first year in this position, I do not see that any changes are required in this regard. There were a few situations in which I had to refuse requests for service because they were outside my mandate, but those occasions were rare.

We devoted a significant amount of time to raising awareness of the role of the Ombudsperson and the services offered by the Office. We made numerous presentations in all faculties and at student association's meetings, we developed our website, participated in a promotion fair at the University Centre and published promotional articles including an explanatory brochure.

There will always be a need to inform people about the Office since there is a constant turnover in our clientele. Our goal is for every member of the University community to know that he or she can call on our services.

We joined ombudsperson networks to ensure that we keep informed about the profession. We are active in the Association of Canadian College and University ombudspersons (ACCUO) and the Forum of Canadian Ombudsman (FCO). Internationally, we joined the International Ombudsman Association (the IOA) so that we can stay abreast of developments in the ombudsperson profession beyond our borders. We completed training on suicide prevention, non violent communication, and on the duties and tools of organizational ombudspersons.

“The mandate of the Ombudsperson is to provide an independent, impartial and confidential process through which members of the University Community may pursue the just, fair and equitable resolution of University-related concerns. In addition, the Ombudsperson may make recommendations, where appropriate, for changes in policies and procedures and promote discussion on institution-wide concerns.”

- Terms of Reference

We have received several messages of appreciation from individuals whom we assisted and were very touched by those messages. We gained a great deal of satisfaction from the feeling of knowing we listened and we helped.

Our guiding principles

IMPARTIALITY, INDEPENDENCE, CONFIDENTIALITY

These are the three fundamental principles of the Office of the Ombudsperson, which guide all of our interventions.

The Ombudsperson was appointed on the recommendation of the Advisory Committee of the Ombudsperson and is not an employee of the University or the student associations.

We do not act as a representative of the University or as an agent for students. We defend the principles of procedural fairness and justice in our review of cases and complaints.

We do not disclose the identity of individuals unless they provide written consent. Anyone may consult us in strict confidence, and many did so to obtain information, advice and assistance in order to decide the approach to take to resolve a conflict.

Throughout the year, we gathered information on the cases and individuals who called on our services, the nature of the problem and the type of service we offered. We are sharing those data and our analysis to the extent that we can do so while preserving confidentiality. Where confidentiality would be compromised, we have omitted the information.

We were amazed by the diversity of the problems that we heard about: financial, academic and relationship issues, problems in the workplace and of a more personal nature. We tried to give each individual who came to see us our undivided attention so that we could understand the issues. We tried to help as best we could in all instances. Sometimes we had to refuse to intervene because our mandate did not allow us to do so, but never without listening and offering an alternative. When we were unable to intervene, or when we had to say no, we always tried to explain why and to acknowledge the impact of the situation on the person. We tried to listen with empathy and compassion to everyone because we believe that each individual is unique.



Overview

We sometimes helped people communicate with each other; we acted as a communication bridge to rebuild relations between individuals; we facilitated meetings between people who wanted to resolve a dispute; we offered individual coaching in many situations, sometimes to prevent a situation from becoming poisonous; we referred several persons to information sources or appropriate assistance; we examined formal complaints once all channels of appeal had been exhausted; and we made recommendations. Above all, we learned from each person who came to see us and also from each person with whom we had contact at the University or in the student associations. We had to understand the regulations, the internal culture, the issues, and the possible solutions.

We asked hundreds of questions, searched the Internet sites of the University and the student associations, talked to representatives, proposed approaches and solutions, tried to influence and sometimes sought to change the perceptions of the parties in conflict. We offered different ways to find solutions and to look at a problem. We obtained the cooperation of everyone with whom we dealt and, more often than not, we encountered a real desire to improve practices and communication to better serve the University community. Inevitably, we do not always agree with the decisions that are made, but we always seek to express our point of view while respecting that of the person with whom we are communicating.

At the invitation of the Centre for Academic Leadership, we offered a workshop on conflict resolution for relational type conflicts. We were pleased with this opportunity to meet faculty personnel and to offer an approach to prevent the escalation of conflicts.

1. Full participation of students with an auditory disability

We were concerned about the situation of students who are deaf or hard of hearing and, after consulting the Advisory Committee of the Ombudsperson, we decided to look into this situation in greater detail. In July 2011, we submitted a report and we hope that our recommendations will help to achieve the full integration and participation of students who have

an auditory disability. We will discuss this again later in this report.

Although we did not examine the services offered to employees who are deaf or hard of hearing we would encourage the University to take the opportunity to review its policies and practice regarding the accommodation and integration of employees who have a hearing disability.

2. OC Transpo Universal Transit Pass

Certain students came to see us because they did not agree with the imposition of the OC Transpo Universal Transit Pass. We looked into the matter and made recommendations in two instances. We were quite interested in this issue from the point of view of respecting minority voices within the student association, and the issue of fairness in universal programs. We devote a few paragraphs to this item later in the report.



3. A matter of justice, perceptions and procedural fairness

The feeling of injustice that motivates people to consult an ombudsperson is a question of perception and values, and it is often a complex matter to define. It may stem as much from the way in which the person feels he or she was treated as from the decision itself. During the year, I made recommendations to the University on how to improve the process for resolving student complaints of discrimination. If there are not sound, fair processes, the decisions made may not be impartial and may be harmful to one of the parties. Later in the report, we will summarize the suggestions that we made in terms of procedural fairness in a report submitted in December 2010 which can be found on our internet site.

What happens when someone comes to us for assistance?

It is easy to contact us by telephone, email, fax or in person at our office. Once you have contacted us, we listen to you to understand the problem and to determine if our mandate allows us to examine the situation. If it does not, we will refer you to the appropriate authorities. If we believe that we have the mandate to look into the issue, we will work with you to determine how best we can help. We can seek the information for you when it is difficult to find or refer you to an information source, such as a web page, or to a person who will know how to help you. We can help you make a decision by providing individual coaching in order to identify your options and make an informed choice. We can try to help you resolve an administrative problem with the University or student associations. In this type of situation, we will normally insist that you first try on your own to solve the problem before we raise your issue with the appropriate authorities. We might explain the channels of appeal available to you to resolve your problem. Once you have exhausted those avenues and you believe that the decision is still unfair, we can look at the case and make recommendations if we find that, in our view, there has been an injustice. Once we have completed our review of your issue, we will explain to you the reasons for our decision and how we reached it.

Is it really confidential?

Yes, you can consult us in complete confidentiality. We will not disclose the fact that you have come to see us and will not discuss the situation with anyone unless you consent to it in writing. There is one exception: if we are concerned for your safety because we believe there is imminent and serious danger to you or to anyone else, we must breach our promise of confidentiality.

We keep records of every visit for statistical purposes and so that we can report to you on what we have done during the year. These data are saved on a website independent of the University and only we have access to them.

It should be noted, however, that we use the “uottawa” email address and that these messages are stored on the University’s server. This means that we cannot guarantee

the confidentiality of emails and we prefer to meet with you in person or to speak with you by phone. For me to act independently and fulfil my promise of confidentiality, my exchanges with the people who consult me, whether the University, student associations or individuals, must be protected.

Why should an educational institution have an ombudsperson?

Here is how the Association of Canadian College and University Ombudspersons answers this question under “FAQs” on its website:

- It conveys the institution’s commitment to being fair
- It promotes a constructive approach to conflict resolution
- It helps avoid long and costly litigation
- It helps formal processes run more smoothly
- It provides a user-friendly source of information about policies, rights and channels of appeal
- It helps identify policy weaknesses and gaps in the system.²

In the same section, the Association also lists six elements of a university ombudsperson’s mandate:

- Investigates complaints of unfair treatment
- in an impartial and objective manner
- Is concerned with the rights of every person to be treated fairly
- Has the power to recommend solutions when complaints are well-founded
- When complaints are unfounded, explains why
- Acts as a source of information and advice on rules and procedures
- Helps to identify systemic problems and weaknesses in institutional policy and practice³

On behalf of the people who came to my office to ask for information, help and advice, to identify what they considered to be injustices, to present formal complaints or who simply wanted to talk, I searched the website, examined policies, sought to understand the reasons for decisions, asked authorities to reconsider certain decisions that I found to be unfair, and identified possible improvements to processes. Sometimes I had to explain why I could not intervene, and sometimes I wanted to have a magic wand to ease suffering or regret. I believe that all of the reasons given above by the ACCUO and the mandate elements are relevant in the context of creating an Office of the Ombudsperson for the university community at the University of Ottawa.

The Ombudsperson exists to counterbalance the concern of organizations and institutions for efficiency in their administrative practices with a service that pays greater attention to the impact of those practices on individuals. At the same time, the Ombudsperson must be concerned about being useful to the general interests of the institution. Each situation is an opportunity to examine the impact of existing processes and to suggest improvements for everyone’s benefit. Above all else, the Ombudsperson acts to ensure that all members of the University community are treated fairly and reasonably.

Statistics and Highlights

All statistics, other than those relating to case volume

in Table 1, relate to data gathered from completed or closed cases, which represents 174 files.

1. Case volume

During the nine month period from September 1, 2010 to May 31, 2011, we opened 194 files and completed 174. The breakdown by month is shown in the table below. We believe that we were able to respond to requests within reasonable time limits. Some cases can be closed

2. Association of Canadian College and University Ombudspersons, http://www.uwo.ca/ombuds/accuo_aoucc/english/faqs.html

3. Ibid.

in only a few days, while others may take several weeks; a few took months because of the nature of the problem.

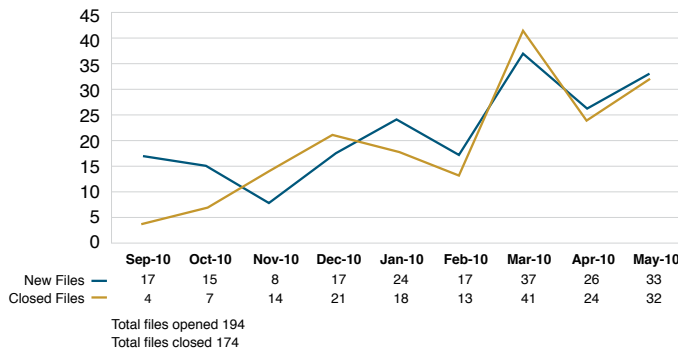


Table 1: Open and Closed Files per Month

2. Profile of our clients

A. Official languages

We recorded the official language in which we communicated with the individual. We received several people in our offices for whom neither English nor French was their mother tongue. We used English in 106 cases and French in 68.

B. Gender

Slightly more women than men asked for our services, 96 women and 76 men. In two cases, we omitted to record gender.

C. Student/staff breakdown

As was expected, the majority of persons who came to us were students: 152 student cases and 22 staff cases. This is explained in part by the fact that staff members are mostly represented by unions and all issues related to a collective agreement are excluded from the Ombudsperson's mandate.

3. The students who consulted us

We opened a total of 152 files with student clients. In most instances, these cases involved a single student. In only a few instances, more than one student came to see us for the same problem at the same time.

A. Faculty distribution

Table 2 below shows the breakdown of student clients by faculty. The majority of our students came from the Faculty of Social Sciences, which is the faculty with the greatest number of students. We saw students from every faculty and this leads us to conclude that we were successful in reaching all faculties in our first year. There is still work to do to achieve our goal of ensuring that everyone on campus is aware of the existence of the Office of the Ombudsperson and its role.

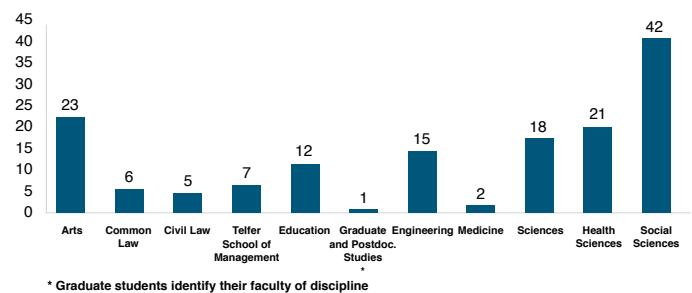


Table 2: Faculty Distribution of Students (152)

B. Level of study

Table 3 shows that the majority of the students, or 92, were undergraduate students and only 42 were from the higher levels of study. In 18 cases, we did not record the level of study. This most likely occurred before our case management system had been finalized and because the problem was not academic in nature.

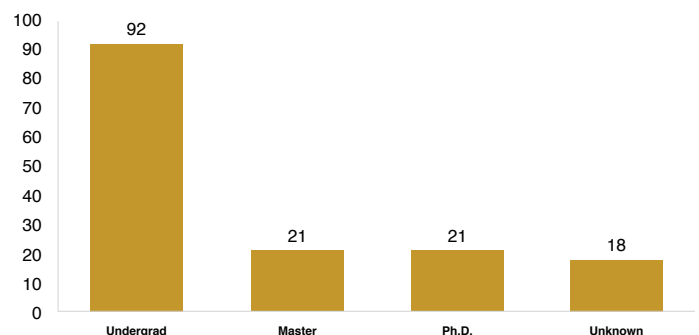


Table 3: Students by Level of Study (152)

C. Student category

The vast majority of our clients were full time students. We saw six alumni who found us through the website, the main source of information for all our clients.

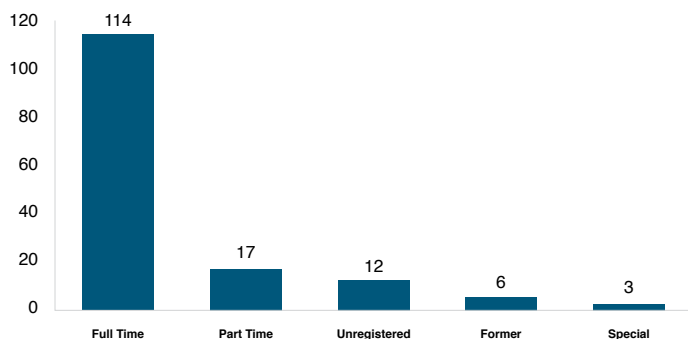


Table 4: Student Category (152)

D. Citizenship

The majority of our students were Canadian citizens: 140 of 174 or 80.5%. Thirteen reported foreign citizenship, accounting for 7.5% of our clients and in 21 cases, we failed to record citizenship or the individual chose not to disclose it to us. The issues that foreign students face are often complex and range from difficulties adapting to the culture to financial problems.

E. Minority Groups

Table 5 below contains data on the minority group status of our clients. In total, 28% of our clients, or 49 of 174 cases, were members of minority groups, mostly racial minorities.

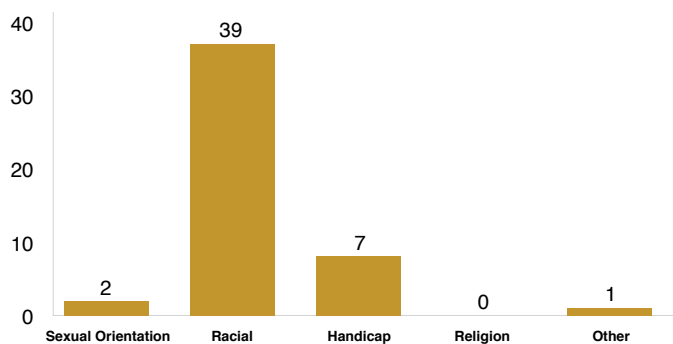
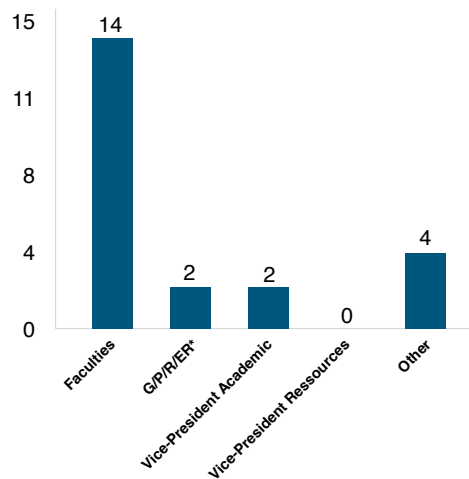


Table 5: Students by Minority Groups
(Total 49 of 174 = 28% of the total clientele)

4. Staff who came to consult us

Tables 6 and 7 below show the distribution of the 22 University staff members who consulted us by faculty or departmental affiliation and by type of personnel.



* G/P/R/ER: Gouvernance/President/Research/External Relations

Table 6: Personnel by Organizational Unit (total: 22)

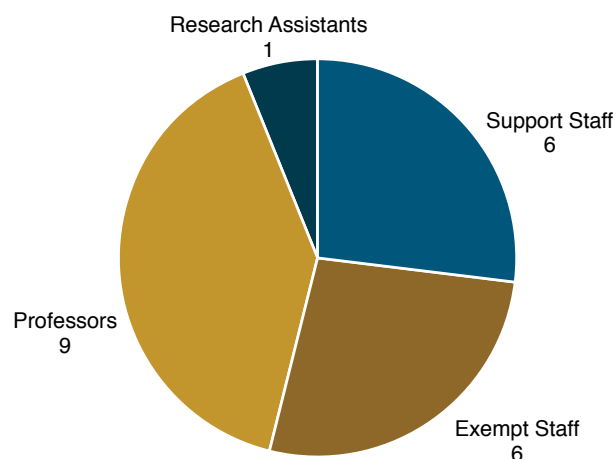


Table 7: Type of personnel (total: 22)

5. Types of problems

Table 8 provides the distribution of problems by type.

Note that the number of problems does not correspond to the number of cases since in some instances there was more than one issue. It should also be noted that eight problems were presented by persons other than students or staff: sometimes it was parents, contract workers or persons who are not identified.

We recorded 214 problems raised by students and 28 by staff. The majority of the issues of concern to students were academic in nature, such as, questions relating to a review of marks, allegations of academic fraud, and transcripts. The second category was financial issues, such as reimbursement or cancellation of tuition fees, and awards or loan issues. Questions related to academic learning comprised the third category, for example, access to courses, supervision in the post graduate programs and services provided by faculty secretariats. Human rights issues were the focus of 23 cases during the year.

For the 22 staff members who consulted us, harassment was the main reason for their visit.

We recorded the number of problems involving members of minority groups. Problems brought forth by persons who belonged to a minority group accounted for 73 of the 250 problems, or 29%.

6. Services offered and results of interventions

The Office of the Ombudsperson is able to provide different services to respond to the needs of the persons who call on our services. What is provided depends on the problem and the needs and interests of the individuals who consult us.

Table 9 shows that we offered a total of 255 different services in the 174 cases we completed. Our services can be grouped into nine categories described as follows:

- 1. Information:** Requesting information on policies, regulations/rules and channels of appeal
- 2. Coaching:** Listening and assistance to enable the client to make a decision to resolve the problem
- 3. Referral:** Listening and referral to the appropriate authority

Table 8 : Categories of Problems by Type of Client

Type of Problem	Student	Personnel	Other	Total	Incidence Involving Minority Groups
Academic	61	0	1	62	22
Admission	16	0	0	16	5
Student Association	4	0	0	4	4
Other	19	4	2	25	6
Relational Conflict	14	4	0	18	2
Diversity	0	0	0	0	0
Human Rights	18	4	1	23	13
Academic Support	24	0	0	24	5
Finance	34	4	2	40	11
Harassment	9	8	0	17	2
Work Relations	0	4	1	5	0
Residence	3	0	1	4	0
Security	3	0	0	3	1
Services by Student Assoc.	5	0	0	5	1
Supervisor/ Student	4	0	0	4	1
Total by Client Type	214	28	8	250	73

- 4. Intervention / complaint examination:** Examination of a formal complaint once all channels of appeal have been exhausted; making recommendations when deemed appropriate
- 5. Intervention / facilitation:** Facilitation of a dialogue between two parties in conflict
- 6. Intervention / communication vehicle:** Facilitation of the resolution of a conflict by acting as a communication vehicle between two parties who are not present
- 7. Intervention / problem resolution:** Direct intervention with the appropriate authorities to find a solution
- 8. Intervention / mediation:** More formal mediation between two parties, including a written mediation agreement
- 9. Intervention / other:** Anything that does not fall into the above categories.

We investigated 11 formal complaints - six from undergraduate students and 5 from graduate students. Table 10 shows the results of this type of intervention. There are 2 files outstanding for which the result of the recommendations is not yet known and they concern the OC Transpo Universal Transit Pass. We made recommendations in seven of the 11 cases and not in the other four. We always explain to the client the reason for our decision and sometimes, even if we have not made recommendations, we have suggested improvements to the process to prevent further problems. In all cases in which we made recommendations to the appropriate University authorities, they were accepted in part or in their entirety.

We did not do any mediation during the period in question as this approach does not appear to be very widespread in the University community. It would certainly be interesting to test this approach that has proven so effective in several other environments to solve conflicts in an amiable manner in everyone's interest.

Table 9: Services Offered by Type of Client (total 255)

Service	Undergrad	Master	Ph.D.	Unregistered	Personnel	Other	Total
Information	51	15	12	10	12	2	102
Coaching	25	7	6	4	11	2	55
Referrals	21	4	7	4	2	2	40
Inter: Examin. of Complaints	6	3	2	0	0	0	11
Inter: Facilitation	4	1	1	1	3	0	10
Inter: Shuttle	4	0	2	0	0	0	6
Inter: Problem Resolution	19	2	1	4	3	1	30
Inter : Mediation	0	0	0	0	0	0	0
Inter: Other	1	0	0	0	0	0	1
Total	131	32	31	23	31	7	255

We strive to monitor the outcome of the services we offer, but it is not always easy to do so: sometimes the client does not give us any feedback and sometimes the result remains unknown. We do record the outcome when it is possible. Table 11 indicates that 77 cases were closed once the problem was resolved in whole or in part and 35 cases were closed with the problem unresolved. We noted 11 cases in which the client withdrew his or her request for our services. In most of those instances, the client contacted us and then discontinued communication before we were able to listen to the problem or the client indicated that the problem had been resolved in the meantime.

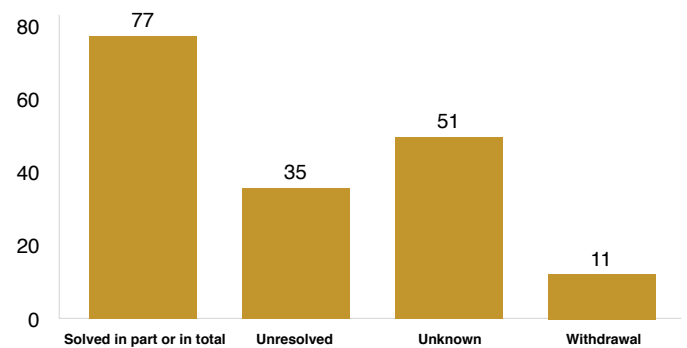


Table 11: Overall Results-all clients

We are required to act within the framework of our terms of reference. We only refused to intervene on three occasions because the problem was outside our jurisdiction or because it was a frivolous complaint.

Table 10: Examination of Complaints and Results

Type of Client	With Recommendations	Without Recommendations	Accepted in total or in part	Results Unknown
Student: Undergrad	3	3	2	1
Student: Master	3	0	3	0
Student: Ph.D.	1	1	0	1
Student: Unregistered	0	0	0	0
Personnel	0	0	0	0
Other	0	0	0	0
Total	7	4	5	2

Recommendations

1. OC Transpo Universal Transit Pass

We received two complaints during the period covered by this report and one afterwards. We decided to include the third complaint here in order to provide a comprehensive picture of the issue of the U-Pass.

Nature of the three complaints: One came from a person living in Montréal who had to pay for the pass; the second was from a person living in the area covered by the Société de transport de l'Outaouais (STO) transit company on the Outaouais side who felt it was unfair not to be able to benefit from a similar discount on the STO pass; and the third complaint was from a person who had to pay for the U-Pass despite the fact that she had a handicap parking permit issued by the municipality.

We examined the process that led to the adoption of the U-Pass by the student associations and the rules that govern the imposition of this type of fee by referendum. We noted the low participation in the referendum held by the SFUO and the GSAED despite publicity campaigns to encourage students to vote. We also noted the complexity of the challenge of providing the discount pass to all students and of exempting those who deserved to be exempted. It must be recognized that the University sits at the border of two provinces and receives students from both provinces and from several municipalities that have different public transit policies and rules. This is a unique situation and poses unique challenges. It has been impossible to date to negotiate a similar agreement with the STO. We therefore recommended to the student associations to try negotiating a separate agreement with the STO rather than to try to negotiate the same terms as those obtained with OC Transpo, which appeared to be impossible. We urged this approach to ensure that the same effort was made for students coming from the province of Quebec.

As for the second complaint from a Montréal resident, we recommended the exclusion from the U-Pass of all residents of areas outside the OC Transpo and STO zones. It seems highly unlikely to us that students living outside the National Capital Region could use this pass and unfair to expect them to subsidize the transit usage

of the majority of students who live within OC Transpo's service area. The benefits of the pass are significant, representing a savings of \$296.00 over two semesters. We are also aware that even if all of the students from outside the area had voted, they would not have been able to reverse the decision given their small numbers.

Thirdly, we recommended that persons with a handicap parking permit also be exempt from the U-Pass given that they are unable to use public transit.

Lastly, we recommended that University representatives take into consideration these three situations and support the negotiations of the student associations in this regard.

The full details of our analysis and our recommendations can be found on our website.

2. Issue of procedural fairness in the examination of complaints of discrimination

In December 2010, we provided University representatives with an issues paper on handling complaints of discrimination from students. We also provided advice on a few occasions to the staff of the new Office for the Prevention of Discrimination and Harassment, located in the Student Academic Success Service, regarding the development of procedures for examining complaints. Our report is available on our website.

The purpose of the paper was to bring to the University our concerns about the process for investigating formal complaints and to suggest ways to make changes to ensure fairness and respect for all parties involved. In particular, we commented on the lack of written policies or procedures to guide faculties. In the cases that we examined, the complainant was unaware of the process and the outcome was unsatisfactory. I did mention that I had reviewed only a few files and that my paper was therefore not a systematic review of this type of case.

We believe that it is important to continue to try to resolve all complaints informally. The paper only addressed those situations where that was not possible.

3. The full participation of students with an auditory disability

Following complaints from students with a hearing disability, we consulted the Advisory Committee of the Ombudsperson to suggest a more detailed examination of the experience of these students at the University. We submitted a report for the consideration of the University and the student associations on July 14, 2011 but since it dealt with complaints received during the period of this first annual report, we have chosen to mention it at this time.

The full report can be found on our website. We found that improvements were needed to provide students who are deaf or hard of hearing with equitable access to all services and programs in order to encourage their full participation and integration in the University community.

Below are the nine recommendations we made.

We believe that a more proactive approach is necessary to address the needs of these students and we hope that our recommendations will contribute to that approach.

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.⁴

4. Lucie Allaire, Ombudsperson at the University of Ottawa, *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* (July 14th, 2011), p.16.

5. Justice Huddart, cited by Nora Farrell, *Listening and Learning*, Annual report for July 1, 2009 to June 30, 2010 for the Ombudsperson for Ryerson University, p.7 <http://www.ryerson.ca/ombuds/mainsubpages/annualreports/RYERSON%20-%20ListenLearn-book-Final.pdf>.

Conclusion

**“It is to listen, to understand,
and then to decide.”⁵**

In her 2009-2010 annual report, the Ombudsperson for Ryerson University, Nora Farell, presents the views of three jurists, Justice Beverley McLachlin, Justice Huddart and K.L. Karst, on impartiality and the place of empathy in decision-making.⁶ I will draw on her summary to conclude my first annual report.

In addition to seeking the facts, analysing the elements of a problem, and applying the rules, these three experienced jurists identify the appropriate personal qualities and attitudes. They encourage us to be introspective in order to identify our own favourable or unfavourable biases. They urge us to cultivate openness of mind, openness to others, curiosity, appreciation of values and ideas that are different from our own, and to cultivate empathy, which Justice Huddart defines as follows:

“It is to get into the skin of another. This capacity lets the decision-maker enter the minds and situations of those affected by her decisions. This is “decisional impartiality” for me. ...It is to listen, to understand, and then to decide.”⁷

It was a fascinating first year for us and we sincerely hope that we have been useful to the University community.

6. Nora Farell, *Listening and Learning*, Ibid, p. 7.

7. Justice Huddart, cited by Nora Farell, *Listening and Learning*, Ibid, p. 7.