



## **Watchdogs Bark**

**Acting Ombudsman Barbara Finlay**

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Good morning! Thank you very much for coming out on a Saturday morning, for those of you that made it out. I appreciate your interest and thank you for having me speak at your national conference. I was looking at your agenda and it was a jam-packed week so you're probably all a little weary of being talked to, so I'm going to try to keep it a little light.

I will talk for about 35 minutes and then I will open it up for questions so you can have an opportunity to ask me anything I haven't answered about our new oversight over universities.

I'm here to speak about not just our new oversight, but I also wanted to talk a little about what the Ontario Ombudsman does, and hopefully give you some information that you can use in your budding career as journalists, even as students, and in the university community.

Right now, our jurisdiction over universities is new. We also received new jurisdiction over municipalities and school boards.

There's a lot of people out there, wondering who is the Ombudsman, what is an Ombudsman, and what does that mean for me, how can the Ombudsman help me, or help me in my community, or what do I need to know if I want to get the word out about the Ombudsman's office and its service. So that's part of what I hope to do this morning, is add a little bit to all those questions.

We use social media as part of our ability to get the message out. I think everybody in this day and age has to, or you're missing the boat. So we will be videotaping this presentation, posting it to our YouTube channel and we're also live tweeting it. I think we're using the conference hashtag as well as we have our own hashtag for live events, which is #OOLive. So please feel free, tweet along, you're welcome to do that. We will be happy to have you engage in the conversation on Twitter as well as here in person.

So let me get started with what is an Ombudsman or Ombudsperson and, if you think that it sounds like something that you can buy at Ikea you don't have to look for that next time you're there. It is actually a Swedish word: Ombudsman in Swedish means "citizen's representative". Because it's Saturday morning I won't do my usual quiz



questions, like who was the first Ombudsman ever appointed. (It was Lars Mannerheim, who was appointed in 1809, in Sweden.)

The concept of Ombudsman is something that is used around the world. It's not unique to Canada. Many other countries have Ombudsmen at different levels of government.

It wasn't until the 1970s that the Ombudsman trend really caught fire here in Canada. Ontario was the sixth province to actually establish an Ombudsman. Every province in Canada has one except for Prince Edward Island. And including our territories, the Yukon has an Ombudsman as well. Northwest Territories does not yet have one, though I understand they've been studying it for a little while, so hopefully they will catch up.

The other quiz question I like to have but won't do on a Saturday morning is who is Canada's national Ombudsman, because that's a bit of a trick question; we actually don't have one. Most other countries in the world have a federal Ombudsman; Ombudsmen that function at the federal level. In Canada we have kind of a hodgepodge of different organizational Ombudsmen that work to try and resolve complaints in different federal government departments. There's one that deals with taxpayer concerns, there's a federal one for prisoners, one for veterans, but there's no centralized, federal Ombudsman like you might see in other countries such as UK, Australia, or Ireland and Germany. Many of the European countries all have federal Ombudsmen.

What is different about the provincial Ombudsman compared to some of the organizational Ombudsmen, or you may be familiar if your university has an Ombudsperson - what's different about our office as a provincial ombuds, is that we are completely independent of government. The Ombudsman functions as an Officer of the Ontario Legislature and we have strong powers to investigate just about any kind of complaint about the government.

This [slide] is just a little bit more of an eloquent and colourful way of describing the role of the Ombudsman, from former Supreme Court of Canada Justice Brian Dickson.

*Slide: "The Ombudsman brings the lamp of scrutiny to otherwise dark places, over the resistance of those would draw the blinds."*

– Supreme Court of Canada Justice Brian Dickson, 1984

I won't read it, but this is why in a lot of our work in getting the message out, we try to use illustrations, photos, things that will drive the message home, instead of just words. And this is one of the reasons this quote inspired us to use the searchlight [image]. It's not the bat signal, although we could probably make an analogy off that too, but it's more the searchlight, because it's the Ombudsman's job to kind of shine the light in dark



places. We put the spotlight on problems with a view to try bringing them out in the open and forward so they can be resolved.

This [slide] is just a little bit about the basics of how a classical Ombudsman [works] - and when I say classical that is an Ombudsman with more formal powers, recognized in legislation, as we are - the four pillars of an Ombudsman's office.

The Ombudsman really has to be independent. The Ombudsman has to be able to respond to complaints, carry out investigations, without worrying about being tied to or interference from the organization that they are overseeing, taking complaints about. Has to be impartial. An Ombudsman must be objective. Their findings and recommendations have to be based on facts. That's really important because Ombudsmen make recommendations and you have to get your recommendations accepted.

People don't think you're impartial if they think you're biased or if they don't think you had an objective look at a complaint, they're not going to pay a lot of attention to your recommendations. You have to be seen and to act impartially.

Ombudsmen offices are confidential. Complainants can make complaints to us in confidence. They're private. We do our investigations in private, and I'll talk a little bit about how that works because I think that's a bit of surprise to people because we're actually a very public office. We talk a lot about our work and the kinds of complaints we deal with, but someone's individual details of their complaint, those are kept confidential under the *Ombudsman Act*. We are required to conduct investigations in private and to protect the identities of complainants.

And we also have to have a credible investigative process. Our investigations have to be based on evidence, they've got to be credible, and we have to do our homework if we're going to arrive at recommendations that are going to be accepted, so that we can actually effect change for the benefit of people, which is really the root of our job.

As I mentioned, the Ontario Ombudsman is an Officer of the Legislative Assembly, appointed by Order in Council. Our office was established in 1975, so we turned 40 last year, and our mandate and powers are set out in Legislation that's called the *Ombudsman Act*.

This is a quote [slide] from one of the sections of our legislation that gives the Ombudsman the kind of findings that an Ombudsman can make. What an Ombudsman does is they review government actions. So how government programs, services, how they've applied policies, procedures. In the formal work that an Ombudsman does, an Ombudsman can issue findings and the kinds of findings they can issue, are set out here. So if something appears to have been contrary to the law, if it was unreasonable, unjust, oppressive, improperly discriminatory, was based wholly or partly on a mistake of

fact or law, or – my favourite – it was just plain wrong. So very broad powers to make a finding.

I think that's really important because there are times when we need to be able to say those things to move on and move forward and get an organization to accept that, and make recommendations to solve a problem and effect change. So having those broad powers to be able to make those findings is a very important part of our work.

On the other hand, even though we have strong powers of investigation, we have formal powers of investigation too. We can go wherever we need to go, we can compel people to provide documents to us. If we need to, we can take evidence under oath. With all those strong powers however, on the other side of things as I've said, is we don't have any power to force organizations to implement our recommendations.

We have to be very good, we have to be very convincing, to get the organization to accept our recommendations, and to do that, we rely on what, in the ombuds world, we like to call the “power of moral suasion”. And that's where you, in the journalistic community, in the media, really come into play because we'll make our findings and our reports public and part of the reason for doing that is to shine the light on things and convince the government to accept and implement our recommendations.

So it's very important to us to be able to communicate publicly about the work we do, the value of it, and to release our findings and recommendations in a lot of the systemic work we do, you'll see in a lot of our reports we do that so that the government will feel more inclined to effect the change that we think needs to be effected.

More important points to keep in mind. I'm going to get in to more interesting stuff, about kinds of cases we resolved and I'm sure it's probably what you're most interested in, but just some other points to keep in mind about our office:

As I said, we are impartial, so we're not advocates for complainants. If someone brings their complaint to our office and says, “I want you to do this” or “This should happen in my case”, we're not necessarily going to recommend that. We don't take instructions; we're not a lawyer for the complainant.

We don't advocate. We have to impartially analyze the complaint and come to our own conclusions. And we're not rubber-stamps for the organizations either. We're not going to tell someone, “Oh, well, the organization said this so go away, that's the end of the story”.

We are impartial. We will look at both sides of the story and arrive at our own conclusions and make our own recommendations about what we think is reasonable in a situation.



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We're an office of last resort. That's really important. I don't think that is very well understood yet. People have a lot of questions - "You know, my university has an ombudsperson, has all these complaints departments". Universities are large bureaucracies. They've got lots of different places that you can make a complaint and, where does the Ombudsman fit in with all that?

We're what I like to call the last step. We are an office of last resort. We expect people to use local mechanisms first. So if someone comes to us and they have not done anything about their problem, we'll send them back. We'll say, "No, you first have to go and try to resolve the problem yourself." We won't just say, go away; we'll say ok, this is your university. Here is the appeal mechanism you have for an academic appeal, here is an office that you can go to if you have an accommodation complaint. We will give people referral information. It's kind of like the traffic cop or the air traffic controller. We'll tell people the right way to go about trying to resolve the problem themselves.

Where we get involved is where they've tried to do that and they've hit a brick wall or in some cases there is no complaint mechanism for the kind of problem that they have. So we get involved when local mechanisms have either failed to resolve a problem or they're not able to go there. But we really are a last resort.

We are confidential. As I've said, our investigations are done in private. Someone can bring a complaint to us in confidence and we will not reveal the identity of the complainant unless it's necessary to investigate or try and resolve the complaint. In that case, we'll get the person's consent. Obviously in some cases, you can't go forward and ask the university to try and resolve a problem without giving them more information about the person's individual circumstances. We will get people's consent before we do that; we obviously have to do that in some cases.

I think this is really important for everyone, but really important for students, is we're free. We don't charge for our services. We don't charge students for our services. We don't charge back student associations. We don't charge universities. We're funded by the provincial treasury and no one has to pay to bring a complaint to our office.

This [\[slide\]](#) is a little bit about who we oversee, who we can take complaints about. Up until September first of last year, we were strictly overseers of the provincial government, which meant all provincial government ministries, agencies, boards, commissions, corporations, tribunals.

We've had some experience dealing with student complaints because we oversee OSAP, we oversee the ministry of training colleges and universities. We also oversee community colleges in Ontario, colleges of applied arts and technology, as they're now called. So we have had some interactions with students and some involvement in student complaints.



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Thanks to new legislation that passed in December 2014, we received jurisdiction over what has more traditionally been called the broader public sector. Institutions that receive government funds and provide government services directly to the public, such as school boards - our new jurisdiction over school boards took effect September first, 82 school boards in Ontario. Ontario's 21 publicly funded universities - our jurisdiction took effect on January first of this year. And Ontario's 444 municipalities, our jurisdiction also took effect on January first of this year.

We were always very busy, but we just recently got a whole lot busier.

That's [slide] the legislation that gave us our new jurisdiction. It's a bit of a mouthful. The *Public Sector and MPP Accountability and Transparency Act*.

The other parts of the MUSH sector, which the Ombudsman's jurisdiction was expanded to, hospitals and child protection, also received new oversight, but not quite to the extent as municipalities, universities and school boards. A new patient Ombudsman is being created in Ontario, reporting within the ministry of health to take complaints about hospitals. And Ontario's child advocate received, in the same legislation, power to investigate complaints about children aid societies. Two very positive, constructive developments as well.

As I said, we've always traditionally been very busy. Over 23,000 complaints, last fiscal year. [slide] It's a pretty big pile. It's now mostly all on computer, but sometimes it feels like a mountain, like that.

We work very quickly. We really try to resolve. The large portions of our complaints are resolved. We only launch formal investigations where we haven't been able to resolve a complaint. It would be impossible to do a big formal investigation on all 23,000 complaints we receive every year. And the number will be going up significantly.

As part of our new jurisdiction, we're getting tons of questions, like how many complaints are you getting, so we will be tweeting on a weekly basis, posting on our Facebook, making available to people the numbers about complaints in the new jurisdiction.

If you look on our Twitter, you'll see that since September first, we've received 257 complaints about school boards, 133 about municipalities since January first, which is a pretty decent number to kick off, and 14 about universities, which is not a small number either considering the last fiscal year, for the whole year, we only got 72 complaints about universities. People knew that we didn't have jurisdiction. In my experience with new jurisdiction it's that will grow as people become more and more aware of the office.

Some of this [slide] I've already talked a little bit about. We've got strong powers under the *Ombudsman Act*. It is an offense not to co-operate with our office. We have powers of subpoena; we can take evidence under oath. Those are things we've had to use very



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rarely. We take people who won't cooperate with our office very seriously, but the good news is we get very good cooperation. We're very good at educating people about the office and convincing them to work with us constructively to resolve problems. We seldom have to resort to the more formal powers under the Act, but they are there.

Walk softly, carry a big stick. If you need to use it, you have to be prepared to do that. I'm very optimistic with the new jurisdiction, as things go forward, that we're going to get good co-operation. We're spending a lot of time explaining and educating to people about the new jurisdiction and that's, I think, an important part of ensuring that we receive what we need to.

We also have the discretion not to investigate a complaint. And that's fairly broad. We can turn away a complaint if we feel it's frivolous, vexatious, not made in good faith. There is no statute of limitations in the *Ombudsman Act*. It's very flexible, but if we feel that something is historic and there's really no value, going forward, to go back and look at it, we can decline to investigate it. If we feel that someone is not sufficiently affected by a complaint, we can decide not to go forward with their complaint.

On the other hand, if we feel that there's a problem out there, that really needs a look at, but no one has complained about it, we can look at that too. We've got, what, in the ombuds world, we like to call "own motion authority", so we can go out on our own and look at an issue.

A good example of that was one brought by my predecessor, former Ombudsman André Marin, that many of you have probably heard of, an investigation into the Ontario Lottery and Gaming Corporation in 2007 where we actually became aware of the issue through the media. We saw a CBC piece about an elderly gentleman who had his ticket worth \$250,000 stolen by a retail clerk. It was just a story we couldn't ignore so we launched our own motion investigation into that, which ultimately exposed an endemic problem within the OLG of turning a blind eye to insider wins and pretty serious complaints about retailers stealing lottery tickets.

As a result of that investigation, a lot of how you buy lottery tickets now, has changed. Part of the things you're used to, like having the screen turned towards you, if you're lucky enough to win, you actually have to sign your ticket. Things like that have changed as a result of that investigation, to prevent the possibility of having tickets stolen by ticket sellers.

I've already talked a little bit about our power being moral suasion; what we have to use to convince the government to accept our recommendations. We have to generate public support for them, and I'm very happy to say most of our recommendations have been accepted. Really, that's what our work is about. It's effecting improvements and improving public services for the benefit of everyone.



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These [slide] are just some examples of the large-scale systemic investigations I've done. Chances are, if you're from Ontario, you've heard about at least some of these or you've been affected in some way by some of them. Everything ranging from property tax assessment, customer services at our provincial Hydro utility, cancer drug funding by the province of Ontario, services provided to crime victims, oversight of unlicensed daycare.

Over the last 10 years especially, the systemic issues that we've looked at are very wide reaching. I expect that will be even more so, once we get into the municipal, university, and school board cases. You'll see a wide range of different systemic topics we're able to tackle.

This [slide] is an illustration I really like. We're very many things to many different people. What I like about the Act is that we have a lot of flexibility. We can try to resolve problems. We're not bound by rigid processes and protocols. We are not a partisan office. We are truly independent. We're impartial. We have the whole gamut from shuttle diplomacy, trying to softly resolve or facilitate a resolution of a problem, to directing, getting the parties to the table, getting them to resolve the problem themselves, to strong formal powers of investigation, recommendations, and using the bullhorn, going out to the media and shining the spotlight on findings and recommendations. We have a really broad range of tools that we can use.

How do we work practically? When complaints come in the door, they're triaged. Basically we take a look at them, we sort them out, we figure out if it's something within our jurisdiction, how do we want to go forward with it, is it something where the complainant needs to be referred, or they need information to try and resolve it themselves. Most complaints do not proceed, at least right away, to an investigation. We always try to resolve a problem first. A lot of problems are resolved by what I like to call shuttle diplomacy, going back and forth between the two sides to try and arrive at a solution.

We will launch a formal investigation if we think a problem needs to be resolved and wasn't. If we discover issues that go beyond the individual complaints, we'll launch what we call a systemic investigation - something affecting a larger number of people. I think that's a really interesting power we'll be able to use for universities and school boards, and municipalities maybe not so much, but maybe the case. We can investigate issues across universities. If we see a trend in complaints that seems to be cropping up across the province, we can tackle something on a broader basis than just looking at one institution. I think that's where we'll really be able to add some value in terms of some of the recommendations we'll be able to make hopefully, in the future.

We also monitor complaint trends very closely. We've got a good computer system so we keep an eye on the types of complaints we're getting, what are the commonalities,



and we will also, we've done this - it's worked very well at the provincial level - we proactively try and resolve stuff.

At the provincial level, we've gone to senior levels. I meet regularly with the provincial Secretary of Cabinet. My directors meet regularly with assistant deputy ministers and deputies, and they'll say "Hey, we've noticed that there's a problem with a delay in this organization", or "We've seen this spike in type of complaints about this government program and service. We need to talk about that. How can that be fixed?" without us having to do a formal investigation. That has worked really well. It's an efficient way of resolving a problem.

So what does this mean for universities? Just a few things.

This often comes up when I talk about the university oversight. It's very important to acknowledge. In the new legislation, there's a specific provision requiring that we consider and acknowledge academic freedom in all of our approaches to complaints. To me this was really a no-brainer. It's something that is extremely important. It should be recognized there, and it is.

To me it's a really important aspect of any Ombudsman work: Your work's got to reflect, your approach's got to reflect the principles that are the foundation of the institution you're overseeing. Obviously academic freedom is at the foundation of university culture, so it's very important that it is acknowledged in the legislation.

Secondly, as most of you know, the Ombudsman concept is nothing new in the university world. That's [\[slide\]](#) from the ACCUO website. I've been out talking to them, I know a lot of their members just from having been in the Ombudsman world for a long time. I was Deputy Ombudsman for 10 years before I was appointed Acting Ombudsman. This [\[slide\]](#) is just a list. There are about 41 members in ACCUO.

We're not looking to replace university ombuds. We certainly do not want to put them out of their jobs. We want them to be strong. We want them to be effective. And in my own view, complaints are best dealt with at the local level. If you can resolve a problem with a university Ombudsman or a university can resolve a problem itself without it having to get to us, I think that's a very good thing and something we're really encouraging.

I have no doubt. We'll have more than enough work to keep us busy. We're not there to replace local mechanisms, but we are there to make sure that they are functioning the way they should be and to step in where they have not been able to resolve a problem – or they can't because of limits on their jurisdiction.

This [\[slide\]](#) is not completely new in Canada. There are two other provinces that have oversight over universities. This is a chart from our annual report. It's an interesting story to take a look at. Ontario was actually last in terms of breadth of jurisdiction of its

provincial Ombudsman. We were very narrow, restricted to strictly provincial-government-run organizations. Other provinces, all the other Ombudsmen had different combinations of jurisdiction over the broader public sector. Six other Ombudsmen in Canada already have jurisdiction over municipalities. We're just catching up in some of these areas. Newfoundland and B.C. both have jurisdiction. If you're from those provinces, look up your provincial Ombudsman and how they have dealt with complaints about your universities.

This [slide] is just a bit of a trend of the complaints we've received about universities over the past ten years. You can see that's been growing and some of that has to do with the public attention that we were garnering towards the MUS sector and the need for oversight. Certainly, last year, 72 complaints - this is by fiscal year - certainly that was a big number and I expect as awareness of the new jurisdiction grows, those numbers are going to grow too.

Here are some of the common complaint issues. Again, it's Saturday morning so I'm not going to do the quiz. Usually I ask, what do you think are some of the common issues. They usually get them all. They're not great surprises to anyone - internal appeal and complaint processes, academic complaints, accommodations for students with special needs, fees, policies, program requirements, customer service, complaints about housing, parking, they really run the gamut.

This [slide] is a very general analysis of the 14 complaints that have come in since January first. Again, I don't think really a big surprise. They're the issues that, I would say, seem to matter to a lot of people and to students in particular.

We are a last resort. We want to make sure that existing mechanisms are working as they should.

As I've mentioned, this is where I can give you a few examples about how we have been able to help students already. Since 1975, since we've been created, we have had jurisdiction over the Ministry of Training, Colleges and Universities. We've had jurisdiction over community colleges and we have dealt with complaints and resolved a lot of complaints about OSAP and financial aid.

We're not unknown to students and dealing with student concerns is not unknown. We can just now deal with the missing piece, which was complaints from university students.

These [slide] are some examples of some kinds of cases we resolve for students. You can find these in our past annual reports, if you're interested.

People are asking are we going to report on these going forward – yes, we will. Our next year's annual report I think is going to be a pretty thick volume. It could take up a lot of

space on the Internet because we will be reporting on case examples from all of our new jurisdictions.

We have a monthly newsletter, The Watchdog, if you want to subscribe to us. You can see, if you go there already, we started with school boards; we give little monthly updates on the new jurisdictions, stats, types of complaints, things we resolved. We'll be doing that as we get going for universities and municipalities, too. It is early days, but the more information we know that we can give you as journalists and the public, the better so that people understand what our new jurisdiction is about.

This [slide] is a case about a student with a disability who complained to the Ombudsman after receiving conflicting information about whether or not he was eligible for a certain grant through the Ministry of Training, Colleges and Universities. The student financial assistance branch had told the person that they could not give him the grant because he had not provided proper documentation. Of course, he went away, provided the documents, followed up again and they said "Oh no, you're still not eligible" for this reason and that reason, and have to appeal. The person did file an appeal and 17 months later, still nowhere further, no real straight answers to why he wasn't eligible for the grant. We got involved and, part of the value of our office is that we've got direct access. We can get involved, call up the Ministry, take a look at the file, talk to people. We were able to discover that a series of errors had been made in assessing the application. The person was actually eligible and as a result, back to 2007, they were granted three years of retroactive grant payments to the tune of around \$6,000. It's just that kind of behind-the-scene work that we're able to do to facilitate people's resolutions to their problems.

Another example, this one from 2011. This was a student nurse at a community college. She was almost at the graduation point when she and 35 other people in her program got this lovely email from the college saying "Hey, guess what, you've got to pay us an extra \$500 in this fee, related to tuition before you can graduate. It's due now, pay up or you're not going to be able to graduate." Like most students, she was trying to make ends meet and what they did in that case was deduct the amount of the fee from her OSAP payment, so she was really strapped, left with very little money to make it to the end of her program, when the end was so closely in sight. So we got involved. We contacted the Ministry, and the finance branch. They did a review and they ultimately communicated with the college and determined that the college had violated their policy on tuition fees because they hadn't told students at the beginning of the program that they were subject to paying this fee, which is part of the requirements of their policy. They have to tell you up front, to be fair, that this is the cost that you must be prepared to pay. So the college rescinded the fee, it was refunded for those who had to pay of the 35 students and the problem was solved. Quick resolutions like that are really what I like to call the bread and butter of our work.



Another example, a problem with a gentleman who was learning disabled, who had enrolled in a community college as a mature student. He had been taking courses since 1999 for a very long period of time. We dealt with this in 2008 and he had been repeating several courses and really going along, getting all the courses and credits that he needed to so he could get his diploma. When he finally got to the point that, in 2008, where he had everything completed and was very happy to have gotten to the end of the long road, expecting to receive his diploma and was told, sorry, we have a four year time limit in which you have to complete all your credits for your courses, so you're no longer eligible to graduate. You can only imagine how frustrated he must have been. He reached out to our office. We had the college do a review of files, saying, can you point to us where this limit was publicized, where was it made clear to this student that they had to complete all their credits within the time period? They couldn't do that so when they realized that, they agreed to apologize to the student and, better still, awarded him the diploma for the course, which was obviously what he really wanted.

These are just some examples of the individual cases we've been able to resolve.

These [\[slide\]](#) are just two of our systemic investigations that we have tackled. You can look them up on our website. I won't get too much into detail about them. One involved the Ministry oversight of a private career college, which basically went bankrupt and shut down. This was back in 2007 or 2008. But recently, if you read our annual report, we were also involved in the Ministry's response to the closure of Everest College, if you read about that in the paper. A lot of students called and we worked to assist students in resolving their problems for continuation of courses at other colleges or accessing the training colleges' compensation fund.

And the second one dealt with graduates of a two-year program at Cambrian College who raised issues about what they felt was unfair advertising. They had been led to believe that the course would qualify them to write certain exams in their field and when they got through it they realized they had not been given sufficient instruction and credits and things to be eligible to do that. So we really took a look at the Ministry's requirements on colleges about advertising course programs, credits, and eligibility for certification and writing exams after graduation.

So since most of you are journalists, I want to spend the last little bit of time I have, talking a little bit about how we deal with the media, how we deal with journalists. A lot of journalists come to us for information. Our communications team is made up of former journalists, some I who I understand used to attend this conference in the past. They were very proud to hear that we had been invited to present here.

We encourage people to contact us. We're a public office. We want to offer information where we can. It's very important to us to have a public profile and you help us by getting the message out and making people aware of our office and we appreciate that.



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But there are limits sometimes too; as you know, working as journalists, in journalism you have to protect your sources. We are required by law to keep complaints confidential, so we can't give away the identity of complainants. We're limited in terms of information that we can provide to the public and individual cases. We are not governed by freedom of information legislation. A lot of people will file FOI applications. That's a fundamental normal thing for Ombudsmen around the world; it's not unique to us. The reason for that is the legislation requires us to do our investigations in private. You have to be able to have access to people, have an environment where they can speak frankly to us. We have a lot of whistle-blowers that come us. We have to be able to make sure that they're assured that we can protect their confidentiality.

Where we can speak publicly about issues and provide information, we will. We can talk generically about complaints; we can provide anonymized examples of the kinds of cases we've resolved. We'll offer information about our statistics, the type of work we can do, and when we do a formal investigation, we are allowed to publish a report, we have that authority, about the findings and the evidence that we have gathered in order to arrive at our findings. So where we can make information public, we want to be transparent where we can, but there are obviously limits in terms of a lot of what we can say about individual complaints.

A lot of people ask us, well "Who can complain, can journalists make complaints, can we bring a complaint to your office?" Anyone - we will take complaints from anyone, but for individual complaints, we need to talk to the person who's been directly affected by the complaint. Obviously, if we're going to bring something forward, we want to get first-hand information. Especially if it's something that involves an individual, we want to make sure that they are OK with us going ahead with that. If a journalist calls us and says, "I heard of this situation or this is happening on a campus, will you look into this?" we'll say, have the person give us a call. It's confidential. We'll speak to them in confidence and we'll get the information from them first-hand and we'll make sure that it's something they're comfortable. We'll explain to them what we can and cannot do, and that they're comfortable with us going ahead with it.

We're also interested in hearing from journalists about systemic issues, what's going on, especially with new jurisdiction. We do read the papers; we know there's a lot of issues out there that are of concern to people in the university community. So if you want to call us and say, are you looking at this or that problem, we're happy to take those kinds of calls. For individual complaints, if you call us up and say "Are you looking at this person's complaint?", we won't be able to tell you that. Even with consent, we always make sure that we have the person's permission ourselves, directly, that they give us permission to speak to the media. We are a confidential office so we have to be very careful about that aspect of our work.

Like I said, when we can talk about our work, and in those ways we are able to, we are certainly happy to make the public aware of it.



How can somebody complain to us?

We want to make it as easy as possible so there are many, many different ways. We have a complaint form on our website, you can email us, you can call us, you can come visit us in our office in Toronto but you don't have to. Very few people do, actually. You can certainly make an appointment if you want. You can come in and sit down with someone. You can send faxes, we still have a fax machine. We take internet fax too. There's no magic formula. You can certainly come to us. We do advise people, if you're going to make a complaint to our office, gather your information together, because our staff will ask you for any correspondence you have, any documentation you kept, who have you dealt with at the university. We want to know how you tried to resolve the complaint yourself. We'll obviously want some information from you, if it's your complaint about an issue, so be prepared. It's helpful. It makes the process go a little faster.

A couple of things worth noting about our new jurisdiction over universities. We will look at issues on a case-by-case basis to analyze whether it's something we have jurisdiction over or not. There are some things that we don't oversee. We don't take complaints about student unions. We don't get involved in collective bargaining processes. We don't take complaints about faculty associations or university unions, because those are separate entities. And as I've mentioned, we have to respect the principles of academic freedom, but I don't see that getting in the way of our work at all. It's just something we have to be aware of because it is a fundamental part of the university community.

A lot of people ask what did we do to get ready for the new jurisdiction. How are we telling people about it. We are doing everything we can to shout it from the rooftops so people will know that they can make a complaint now about their school board, municipality or university. We've been reaching out, making presentations - we've been doing a lot these. Whenever we can, we'll go out on evenings, weekends, you name it. We've cleared our schedule to make sure that we're available. We're hitting conferences, other groups, student fairs. We want to get out there. We want people to be really aware of our office. If you're interested in writing about our office, I've done a few interviews already for some student papers. You could find some of those on our social media and links on our website. By all means, contact our communications people. I've said, a few of them are former university press journalists, so they'll be happy to help you and give you the information is useful to you.

We will be publishing all about our new jurisdiction in our annual report. It usually comes out in June which is not a good time for universities, I know that. Part of our challenge, when we found out in late May when our new jurisdiction was kicking in for school boards and universities was, universities, you were all gone and school boards were on their way out the door so nobody was interested in talking to us all summer, so we had to pick it up in the Fall. School boards kept saying "Well, why didn't you come talk to us sooner?" We didn't find out until almost June first when the jurisdiction was starting, and



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it was starting September first. We didn't have a whole lot of time. But we are making up for that now and we will be publishing in our monthly newsletter as well.

Finally, and I do want to make this one because it's an important one for us right now: We are growing our team. If you read the papers, we released a report about closed meetings in municipalities recently, and everyone was asking "How are you going to deal with all this new influx of complaints?"

We did get funding to add approximately 50 new positions to our office. That's going to be phased in over time. We can't just pull people off the street and throw them in desks to take complaints. We're looking for certain skill sets, but we are hiring. All the different teams in our office, so if you're interested in communications world, if you think you might be interested in complaints intake, investigations, by all means, go on our website, [careers@ombudsman.on.ca](mailto:careers@ombudsman.on.ca). We've got samples of job descriptions, postings for different positions we're going to be hiring in.

This [\[slide\]](#) is just a little about us and what we look like. If it looks like an office where you might want to work.

How to find us, follow us, how to connect with us if you're interested [\[slide\]](#).