

Article 10. Ombudsperson and Advocacy Office

1. The Ombudsperson shall be appointed by Council on the recommendation of the Human Resources Committee, following the procedures specified in Section V, Article 9.
2. The Ombudsperson shall not hold any other elected or appointed position within the Society, including positions within Constituencies. An Ombudsperson who becomes a candidate for an elected position within the Society or any of its Constituencies immediately ceases to hold the position of Ombudsperson.
3. The Ombudsperson may apply to Council for a leave of absence. If Council grants such a leave, it shall designate a replacement who shall have all the powers and duties of the regular Ombudsperson for the period of the leave.
4. Council may, either of its own volition or on the application of an interested Active Member of the Society, direct the Ombudsperson to investigate a matter and report back to Council.
5. In addition to those powers and duties set out in the Bylaws, the Ombudsperson shall:
 - (a) be responsible for investigating and reporting to Council, or the appropriate member of the staff or the Executive, any reasonable complaint or question that a staff member of the Society has with the Society or its organizations, including but not limited to complaints or questions regarding the administration of the personnel procedures of the Society or the procedures themselves;
 - (b) be responsible for the resolution of any such complaint referred to in paragraph (a) above, where possible;
 - (c) make known to the Active Members and the staff of the Society that he or she is available for the hearing of complaints;
 - (d) keep no less than ten (10) office hours per week during the School Year;
 - (e) post, on or about his or her office door:
 - (i) his or her specific office hours; and
 - (ii) a means by which the staff of the Society and Active Members can contact him or her outside of the posted office hours;
 - (f) direct and train his or her successor, and provide a verbal and written report annually to Council at the end of his or her term of office;
 - (g) further to Bylaw 9(1)(f), and notwithstanding any other provision in the Code, have the right to attend any meetings of Council, Committees, Commissions, or

any other bodies of the Society, including meetings held *in camera*;

- (h) act in an impartial and unbiased manner in the exercise of his or her duties;
 - (i) maintain confidentiality in respect of all matters, insofar as such confidentiality is not inconsistent with the Bylaws and the Code, that come to his or her knowledge in the performance of his or her duties;
 - (j) manage and maintain the office of the Ombudsperson, including but not limited to:
 - (i) recruiting, training and providing recognition for volunteer assistants; and
 - (ii) preparing a budget for the operations of the office of the Ombudsperson; and
 - (k) have such other powers and duties as are assigned by Council from time to time.
6. A report of the Ombudsperson, prepared under the authority of paragraph (5)(a) above, or under the authority of Bylaw 9(1)(a), shall be made available to all interested parties and to the President of the Society. If the President is an interested party, the report shall also be made available to another member of the Executive. If the Executive Committee as a whole is an interested party, the report shall also be made available to Council.
7. The Ombudsperson may refuse to investigate or may cease investigating a complaint which in the Ombudsperson's opinion is not reasonable. Examples of unreasonable complaints include but are not limited to those in which:
- (a) the complaint concerns a matter which last occurred more than one calendar year prior to the date of the complaint;
 - (b) the subject matter of the complaint primarily affects a person other than the complainant, and the complainant does not have sufficient personal interest in the issue;
 - (c) there are existing administrative procedures for the complaint, and the complainant does not have reasonable justification for not pursuing the complaint using those procedures;
 - (d) the complaint is frivolous, vexatious, not made in good faith or concerns a trivial matter; or
 - (e) in the circumstances, investigation would not benefit the complainant.
8. Pursuant to Bylaw 9(1)(d), the Ombudsperson shall refer Active Members seeking assistance with complaints or questions regarding the University either to the University Ombudsperson or to the Advocacy Office. The Ombudsperson shall formally refer

Active Members to the Advocacy Office in matters regarding the University when:

- (a) the adversarial nature of the conflict is such that the Ombudsperson does not believe that a mediated settlement is possible or reasonable under the circumstances; or
 - (b) an advocate would, in the opinion of the Ombudsperson, be necessary and beneficial to the Active Member for some other reason.
9. Notwithstanding paragraph 8 above, the Ombudsperson may refuse to refer an Active Member to the Advocacy Office when the Ombudsperson deems such advocacy not to be in the interests of the Society. Such a decision of the Ombudsperson is appealable, in writing, to the Executive Committee.
10. The Advocacy Office may refuse to pursue or may cease pursuing a complaint which in the opinion of the Advocacy Office is not reasonable. Examples of unreasonable complaints include but are not limited to those in which:
 - (a) the complaint concerns a matter which last occurred more than one calendar year prior to the date of the complaint;
 - (b) the subject matter of the complaint primarily affects a person other than the complainant, and the complainant does not have sufficient personal interest in the issue;
 - (c) there are existing administrative procedures for the complaint, and the complainant does not have reasonable justification for not pursuing the complaint using those procedures;
 - (d) the complaint is frivolous, vexatious, not made in good faith or concerns a trivial matter; or
 - (e) in the circumstances, the intervention of the Advocacy Office would not benefit the complainant.
11. If, in accordance with paragraph 10 above, the Advocacy Office refuses to pursue or ceases pursuing a complaint, the complainant may appeal the refusal or cessation to the Ombudsperson.
12. The Ombudsperson shall not investigate or shall cease investigating a matter that is or becomes before a court, including Student Court.
13. The Ombudsperson may conduct, or cause to be conducted, either a formal or an informal investigation into any matter brought before him or her. If a complainant makes a written request for a formal investigation, the Ombudsperson must, subject to the discretion granted to him or her in paragraph 7 above, conduct a formal investigation.

14. In conducting a formal investigation pursuant to paragraph 13 above, the Ombudsperson shall, at a minimum:
 - (a) conduct research into the rules and regulations, and applicable laws if any, that are pertinent to the complaint;
 - (b) interview all parties involved, and invite such parties to make a written submission if they so choose;
 - (c) produce a written report, summarizing all information gathered in accordance with clauses (a) and (b) above, and provide recommendations if appropriate; and
 - (d) distribute the report as required in paragraph 6 above.
15. When approached by an Active Member in accordance with Bylaw 9(1)(a) or by a staff member in accordance with paragraph 5(a) above, concerning complaints or questions related to the Society and its organizations, the Ombudsperson shall ensure that all reasonable steps have been taken within the appropriate Society organization or department before accepting the case.
16. Transitional Honorarium
 - (a) The outgoing Ombudsperson shall be responsible for the orientation of his or her replacement, such orientation to include but not be limited to:
 - (i) completion of a comprehensive transitional report no later than the incoming Ombudsperson's first day of work;
 - (ii) in-person training of the incoming Ombudsperson;
 - (iii) consultation on Ombuds matters at the request of the incoming Ombudsperson for a period of not less than one (1) month after the incoming Ombudsperson's first day of work; and
 - (iv) organization of the Ombudsperson's office and files.
 - (b) Council may direct the Human Resources Committee to review the amount of a transitional honorarium for the Ombudsperson. On the recommendation of the Human Resources Committee, Council may alter the amount of the transitional honorarium.
 - (c) An Ombudsperson who is reappointed to the position shall not be granted an honorarium. If not already serving in the position, the incoming Ombudsperson shall be eligible for an honorarium or a portion of an honorarium, based on the extent to which he or she fulfils the requirements of paragraph (a) above.
 - (d) The incoming Ombudsperson shall decide the extent to which the outgoing Ombudsperson has fulfilled the requirements of paragraph (a) above in

accordance with the Transition Checklist below. If there is a dispute, the outgoing Ombudsperson may appeal to the Agenda Committee.

(e) Transition Checklist

- (i) Further to paragraph a(i) above, the comprehensive transitional report shall be worth one-third (1/3) of the amount of the transitional honorarium and shall include but not be limited to:
 - 1) a review of the Ombudsperson's duties, including duties related to internal Society matters and duties related to matters to do with the University;
 - 2) a review of the successes and failures of projects and new initiatives of the outgoing Ombudsperson, including suggestions for improvements; and
 - 3) a timeline indicating when events are to take place and by what dates tasks need to be completed.
- (ii) The transitional report shall be a new document focusing on the events, achievements, and challenges of the previous year and on the outlook for the upcoming year, and must not be simply a copy of a previous year's transitional report.
- (iii) The outgoing Ombudsperson shall inform the incoming Ombudsperson how to obtain copies of previous years' transitional reports.
- (iv) Further to paragraph (a)(ii) above, the in-person training of the incoming Ombudsperson shall be worth one-fifth (1/5) of the amount of the transitional honorarium and shall include but not be limited to:
 - 1) introduction to the staff, especially the staff members with whom the Ombudsperson works particularly closely; and
 - 2) familiarization of the incoming Ombudsperson with day-to-day tasks.
- (v) Further to paragraph (a)(iii) above, consultation on Ombuds matters after the incoming Ombudsperson's first day of work shall be worth one-third (1/3) of the amount of the transitional honorarium and shall include, but not be limited to, informing the incoming Ombudsperson of any outstanding issues to be resolved and work to be completed.
- (vi) Further to paragraph (a)(iv) above, organization of the office and files shall be worth two-fifteenths (2/15) of the amount of the transitional

honorarium and shall include but not be limited to:

- 1) organizing the outgoing member's paper and computer files, including e-mail files, by the time of the incoming Ombudsperson's first day of work;
- 2) removing all personal belongings of the outgoing Ombudsperson by the time of the incoming Ombudsperson's first day of work;
and
- 3) ensuring the availability of all required keys and other necessary equipment by the time of the incoming Ombudsperson's first day of work.