

Ombudsperson Toolkit

Establishment and Operation of an Ombuds Office in Canadian Higher Education

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Introduction

The ACCUO Ombudsperson Toolkit is designed as a resource for Ombudspersons, administrators, and stakeholders interested in establishing an Ombuds office within a Canadian post-secondary institution. It also provides concise answers to frequently asked questions.

The way the Ombuds function is exercised varies across institutions, as each office is shaped by the needs, culture, strategic objectives, and values of the community it serves.

We encourage readers to consult the Standards of Practice of the Association of Canadian College and University Ombudspersons (ACCUO) and the Statement of Ethical Principles of the Forum of Canadian Ombudsperson (FCO) for additional definitions and guidance on Ombuds practice in Canadian higher education.

How can ACCUO help you establish an Ombuds Office?

ACCUO supports institutions and Ombudspersons by:

- Providing information on principles, standards, and best practices related to Ombuds work.
- Offering presentations and workshops on Ombuds offices and their value.
- Advising institutions and stakeholders on establishing new offices, reviewing mandates, ensuring smooth transitions between Ombudspersons, and related matters.
- Providing mentoring opportunities for new Ombudspersons.

About the Ombudsperson

Origins of the Concept

The word *Ombudsperson* originates from Swedish, meaning “agent” or “commissioner.” The concept has existed for centuries, dating back to the Germanic

tribes (Kircheiner, 1983). Researchers have also identified precursors to Ombud's roles in various cultures. The modern Ombudsperson institution emerged in Sweden in 1809 when Parliament created a neutral, independent "people's agent" to represent citizens in disputes with the government.

The term *Ombudsperson* continues to be used internationally, although English variations such as *Ombudsperson* and *Ombuds* are also common. In other languages, equivalents include *Protector*, *Mediator*, or *Defensor* (Spanish). In Québec, both *Ombudsperson* and *Protecteur* are widely used. In this document, ACCUO uses the terms *Ombudsperson* and *Ombuds office* except in certain historical references.

Origins in Canada and North America

In North America, the Ombudsperson concept gained traction in 1962 when the first bills proposing a Canadian federal Ombudsperson were introduced, though not passed. In 1965, students at Simon Fraser University (British Columbia) created the first Ombuds role in an educational institution. In 1967, Alberta appointed the first provincial Ombudsperson in Canada.

During the late 1960s and 1970s, Ombuds offices were established across Canadian and U.S. governments and post-secondary institutions. In the 1980s and 1990s, Ombud's offices expanded into the corporate and non-profit sectors, becoming a recognized feature across public life.

Current Settings in Canada

Today, Ombuds offices exist in government, education, and across the public, private, and non-profit sectors. In Canada, Ombuds services are established in nine provinces (all except Prince Edward Island), two territories (Yukon and Nunavut), and more than 30 post-secondary institutions. They also operate within quasi-governmental agencies (e.g., Hydro Québec, WorkSafe BC), Crown corporations (e.g., Canada Post), federal agencies (e.g., correctional institutions), hospitals, long-term care facilities, banks, and even daily newspapers.

What is an Ombudsperson?

An Ombudsperson is an independent and impartial voice committed to fairness. According to ACCUO's Standards of Practice:

"Committed to the values of fairness and respect, the Ombudsperson helps hold the institution accountable for the implementation of the values it has adopted, and thus contributes to the achievement of the institution's mission. The Ombudsperson facilitates the search for fair solutions that create, maintain, and strengthen the bond of trust between the institution and its members."

Ombuds offices operate according to the following principles:

- Independence
- Impartiality
- Confidentiality
- Accessibility

Their functions include:

- Providing information and advice (e.g., clarifying rights and responsibilities, coaching).
- Facilitating dispute resolution (e.g., problem-solving, mediation, or informal interventions).
- Conducting investigations and making recommendations.
- Promoting accountability, fairness, and systemic improvement.

The Ombudsperson's effectiveness depends on their ability to form an independent opinion and to influence constructive change.

Types of Ombuds Mandates

The Forum of Canadian Ombudsperson (FCO) identifies three broad types of Ombuds mandates:

1. Legislative or Classical Ombuds – Established by statute to address citizen complaints (e.g., provincial Ombuds offices).
2. Institutional/Administrative/Hybrid Ombuds – Established within institutions such as colleges, universities, banks, or public services to address the concerns of their community or clientele.
3. Organizational or Workplace Ombuds – Established in private-sector organizations or federal agencies to address employee concerns.

Why Establish an Ombuds Office in Higher Education?

The creation of an Ombuds office signals an institution's commitment to fairness, respect, and accountability. This commitment becomes especially important in post-secondary contexts that value diversity, collaboration, and global engagement.

Scholar, Stanley Anderson, described Ombudspersons as *"humanizing specialists"* who *"restore the dignity of the individual"* (1969, p. 72) and allow *"the collective conscience to have a voice"* (ibid., p. 3). He also noted that the Ombuds' method of persuasion is particularly well-suited to educational institutions, fostering *"an environment conducive to mutual learning by stimulating effective communication"* (1980).

Ombuds offices:

- Provide an independent and accessible avenue for resolving complaints.
- Prevent conflicts from escalating into costly disputes.
- Enhance trust and fairness across campus.
- Offer feedback that strengthens institutional policies and practices.

By focusing on fairness in relationships, procedures, and outcomes, Ombudspersons play a key role in creating climates of trust and respect.

How does the Ombudsperson's Office relate to and contribute to other campus complaint processes?

An ombudsperson's office contributes to, but is independent of, the institution's existing governance, grievance, and appeal processes. The ombudsperson is neither an advocate for the individual filing a complaint nor an advocate for the institution. The ombudsperson does not make decisions for the institution or student associations, nor does it arbitrate disputes.

The Ombudsperson contributes to the fairness and accountability of the establishment by:

- providing advice on existing processes and directing interested parties to them;
- by presenting options for resolving problems at different stages;
- by proposing alternative dispute resolution methods giving rise to other recommendations when all other remedies have been exhausted.

By providing information and advice, the Ombudsperson makes the institution's operations clearer and more accessible. Through coaching and training, the Ombudsperson helps members of the university community submit inquiries and complaints more efficiently and quickly, and make decisions more fairly. Through interventions and recommendations, the Ombudsperson also helps rectify certain situations and identify areas where systemic improvements are needed.

STRUCTURE

Steps to Create an Ombuds Office

The process of establishing an Ombudsperson office begins with gathering information about its purpose, structure, and anticipated benefits. Institutions should consult widely with stakeholders—students, faculty, administrators, unions, and staff—to ensure that the office is built on broad-based understanding and support.

After meaningful consultations, a proposal should be prepared that outlines:

- The principles and essential characteristics of the Ombudsperson office (independence, impartiality, confidentiality, and accessibility).
- The proposed funding and accountability structure.
- The mandate and scope of authority, including which groups will receive services.
- The recruitment and appointment process for the ombudsperson.
- The evaluation and reporting mechanisms for the office.

For a brief overview, see *Establishing an Ombudsperson Office: A Guide for Institutions or Administrators Interested in Promoting the Ombudsperson Function on Campus*.

The office's detailed mandate and policy may be developed after the ombudsperson is appointed, allowing for refinement based on operational realities. The ACCUO's *Developing Terms of Reference for the Ombuds: Sample Clauses from Canadian College and University Ombuds Offices* also provides practical guidance.

Reporting Structures

An ombuds office must operate independently of both the post-secondary institution and student government. Depending on the funding model, the office may report to:

- The governing body of the institution (e.g., Board of Governors, Senate).
- A joint reporting structure that includes both the institution's leadership and student associations.
- An advisory committee composed of representatives from key stakeholders across campus.

While the ombudsperson may consult on outreach, evaluation, and operational issues, strict confidentiality must be preserved. Case records are not accessible to administrators, boards, or committees. Instead, accountability is achieved through public annual reports that summarize statistics, trends, and recommendations.

Funding Models

Canadian post-secondary ombuds offices are typically funded in one of two ways:

1. Institutional funding (solely through the university/college, student levies).
2. Joint funding (through both the institution and student associations or student levies approved by referendum).

Joint funding ensures stronger collaboration and shared accountability, but institutional funding may provide greater stability. Regardless of the model, funding must be adequate to maintain the office's credibility, independence, and effectiveness.

Budget Considerations

Ombuds offices require sufficient funding to cover:

- Salaries and benefits for the ombudsperson and staff.
- Office space, equipment, and technology.
- Outreach and communication (brochures, websites, posters).
- Professional development, training, and conference attendance.
- Membership fees for ombuds associations.
- Independent legal advice, when necessary.

Adequate funding signals institutional commitment and strengthens community trust.

Staffing Needs

Most post-secondary ombuds offices operate with one to three staff members. The number of staff depends on the size of the institution, the mandate of the office, and the anticipated caseload. Staff roles may include:

- Ombudsperson (lead position).
- Assistant or Associate Ombuds (case support, outreach, intake).
- Administrative/Intake Coordinator (frontline contact, record-keeping).

Consulting with ombuds offices at similarly sized institutions can help determine appropriate staffing levels.

Professional Development and Conference Attendance

An ombudsperson may specialize in one area (e.g., administration, conflict resolution, law, consulting services, etc.). However, ombudspersons are also generalists who must keep their skills and knowledge up to date on different areas and topics (e.g., human rights, employment, administrative justice, etc.).

Professional development and conferences allow ombudspersons to continue to improve their skills, relevance, and effectiveness, and to learn about best practices used in various educational institutions. The ACCUO regularly organizes regional and national meetings and conferences. For more information on other training opportunities for ombudspersons, please visit the Forum of Canadian Ombudsperson website.

Membership

The need to protect the confidentiality of the information entrusted to them limits the extent to which ombuds can discuss methods with individuals who do not perform the ombudsperson function. Ombuds organizations provide opportunities for networking and the discussion of best practices. They provide members with advice and mentoring, and enable them to use tools that are useful across Ombudsperson offices

and the post-secondary communities they serve. Membership in these organizations is also important given that many post-secondary Ombudsperson offices have only one person or very few staff members.

Office Location and Accessibility

The ombuds office must be independent and distinct from other services to protect confidentiality and avoid conflicts of interest. It should be:

- Located in a neutral and accessible space.
- Designed to balance privacy (for confidential meetings) with accessibility (ease of finding and entering the office).
- Welcoming and inclusive, with accommodations for people with disabilities.

Visible signage, accessible directions, and representation of diversity in the office environment reinforce openness and trust.

Developing a Mandate

A mandate clearly defines the office's jurisdiction, accountability, and operating principles. It should include:

- Essential characteristics: independence, impartiality, confidentiality, and access to decision-makers and records.
- Jurisdiction: which groups (students, staff, faculty) may access the office.
- Authority: ability to investigate, make recommendations, and report findings.
- Funding and accountability structures.
- Review mechanisms: scheduled evaluations and revisions.

The *ACCUO Standards of Practice* and the *Forum of Canadian Ombudsperson's Statement of Ethical Principles* offer frameworks for drafting mandates. Institutions are encouraged to develop detailed mandates collaboratively with stakeholders, often within the first year of operation.

Skill and Competencies

Ombudspersons have worked in different fields (such as social sciences and humanities, law, education, nursing, business, science) and come from various backgrounds or areas of specialization (including communications, conflict and peace studies, criminology, administration, etc.).

An ombudsperson must demonstrate excellent reasoning and superior intelligence, including emotional and social intelligence. The ombudsperson relies on both related skills (written and verbal communication, ability to gather, analyze, and manage large amounts of information, investigation, coaching, conflict resolution, assistance), a broad knowledge base (principles of natural justice, the post-secondary institution's governance and administrative structure, organizational culture and power structures,

human rights and diversity issues, employment, privacy, etc.), and personal qualities (integrity, independence, judgment, ability to work effectively with all members of the post-secondary institution community, assertiveness, and diplomacy).

Ombudspersons are expected to attend professional development sessions to broaden and deepen their understanding of these areas.

Talent Acquisition

After consulting and deciding on the office's mandate, scope, and accountability and funding structure, the institution drafts the mandate and posts a job posting (see What skills and competencies do ombudspersons need?). The institution will also need to decide whether the position will be term-specific or permanent, whether the position will be advertised internally or externally, who will sit on the hiring or nominating committee, how it will communicate with stakeholders about the position, and how it will introduce the ombudsperson to the campus community.

FUNCTIONING

First Steps for a New Ombudsperson

In the first weeks of their mandate, a newly appointed ombudsperson should:

- Meet with representatives of student associations, faculty, staff, and administrators.
- Connect with other ombuds professionals, networks, and associations.
- Arrange office space, systems, and resources.
- Establish communication channels, including a website and promotional materials.
- Familiarize themselves with the institution's governance, values, and organizational culture.

Early outreach and relationship-building are essential to establish credibility and visibility.

Independence and Impartiality

Independence is a fundamental ethical principle and standard in the exercise of the Ombudsperson's function. The office of the Ombudsperson must be distinct from all other offices, particularly those of student associations, faculty associations, unions, and staff and administrative associations of the institution, and be seen as such.

Furthermore, the Ombudsperson must ensure that the role and activities of the office are perceived as having no connection or affiliation, from an informal perspective, with any particular individual or department. It is essential that the Ombudsperson conduct his or her activities independently, as many observers might conclude that an

Ombudsperson who is not independent is unable to protect confidentiality or demonstrate impartiality.

Here are some of the most effective ways to ensure and demonstrate the independence of the Ombudsperson:

- Reporting relationships are established so that the Ombudsperson does not have to worry that any one person has the power or ability to influence his or her behavior: for example, the Ombudsperson reports to a council or board of governors or senate; the Ombudsperson reports to a committee composed of representatives of all stakeholders; the Ombudsperson reports to the person holding the highest position in the organization, the rector, and the rector respects the independence of the office and its holder.
- The office's scope of jurisdiction and operating principles are defined in a policy, mandate, or legislative provisions. The Ombudsperson is responsible for ensuring the proper execution of the mandate.
- All office staff are hired and supervised by the Ombudsperson.
- The office's budget is managed by the Ombudsperson.
- The physical location of the Ombudsperson offices is in a place where the role of the Ombudsperson cannot be combined with any other function of the organization.
- Some Ombudsperson offices set up stand-alone computer networks with extensive security measures to ensure that no one else within the organization can access their data. Other offices use the institution's systems but take security measures to ensure the confidentiality and independence of the office.

While impartial in examining issues, the ombudsperson is also a champion of fairness, able to recommend systemic changes that strengthen equity and accountability.

Ombudspersons adhere to high ethical standards and principles. Impartiality relates to how the Ombudsperson examines concerns or issues brought to their attention. The Ombudsperson must examine the facts of the case without bias for or against the issue under consideration or any party to the conflict or dispute. See How does the Ombudsperson avoid potential conflicts of interest?.

When an ombudsperson analyses the concern or complaint, he or she usually checks whether or not the principles of natural justice or standard administrative fairness principles were followed by the decision-maker.

Following an objective examination of the complaint, the ombudsperson is well placed to be seen as an advocate for fairness rather than a representative of an individual or the institution. Similarly, by making recommendations that result in the modification, or even transformation, of various processes, the ombudsperson is clearly playing the role of promoter of change, where warranted.

Confidentiality

Confidentiality is guaranteed except in cases of imminent risk of serious harm or where required by law. Key safeguards include:

- Restricted access to case files and notes, used exclusively by ombuds staff.
- Secure filing, storage, and destruction protocols.
- Clear communication to clients about confidentiality limits and processes.

Confidentiality enhances trust, which is vital for the effectiveness of the office.

Accessibility

The ombuds office must be accessible to all members of the institution. Services should be:

- Free of charge.
- Physically accessible (ramps, interpretation services, etc.).
- Communicated in plain, clear language.
- Available through multiple channels (in-person, phone, email, online).

Accessibility reflects the commitment to fairness and inclusivity in service delivery.

Office Systems

Because the Ombud's Office provides confidential services, all systems used within the office must be treated and maintained in a confidential manner. Here are some examples of systems and processes you might consider implementing to make the office run efficiently:

- filing and record keeping system;
- appointment calendar;
- email correspondence;
- phone messages;
- data management system;
- schedule and process for destroying files.

A welcome form containing relevant information determined by the Ombudsperson is a useful tool, as it allows for both efficient service delivery and data collection.

Only members of the Ombud's Office staff may review records and related information. Regarding record keeping, it is important to inquire about the institution's retention and disposal methods and schedules for confidential records.

Outreach

How should the office inform the community of its existence?

Whether informing the community of the creation of a new Ombudsperson's office, the appointment of a new Ombudsperson, or the activities carried out by the Ombudsperson within his or her mandate, it is important to communicate the Ombudsperson's role to the community. Due to the "turnover" within post-secondary institutions, particularly in their student population, the office will need to ensure that it continually finds ways to effectively inform the post-secondary institution's community of the Ombudsperson's role and the services it provides.

The Ombud's Office must have sufficient funds to enable it to use various means to inform students, faculty, and staff about its activities:

- brochures and leaflets
- website providing sufficient amount of information and resources
- posters
- bookmarks, pens, etc. or other items that can be distributed to remind people of the services offered
- presentations during orientation sessions
- presentations or workshops on relevant topics
- online publication of the annual report
- use of campus media (radio, newspapers, social media, others)
- open houses or other special events
- visits to all locations if the institution has multiple campuses.

Accepting invitations and participating in activities organized by the post-secondary educational institution are also options to consider, provided that they do not place the Ombudsperson in a conflict of interest situation and, consequently, do not compromise the integrity of the office.

You might want to hold an open day, particularly to announce the creation of a new office or the relocation of the office to a new location, or to mark an important event, such as the arrival of new staff members and important anniversaries.

To gain a deeper understanding of the campus and establish effective referral and problem-solving mechanisms, the ombudsperson should also communicate regularly with staff members and key stakeholders; these may include members of the administration, faculty, student groups, and support staff. Make sure you have brochures and information about offices on campus or in the community to which you can refer your visitors.

Briefly explain your role and its main features to new visitors and stakeholders so that they understand the nature of your services (e.g., the ombud's office is not a legal, advocacy, or consultation office). Have brochures and information materials available to

give to visitors to help them better understand your services and the features of the ombud's office.

Conflict of Interest

To maintain integrity, ombuds staff must:

- Avoid roles or activities that create real or perceived conflicts of interest.
- Abstain from decision-making authority in policy development.
- Maintain neutrality when assessing complaints and disputes.

Investigations and Recommendations

When conducting investigations, the ombudsperson must:

- Gather and review all relevant facts, records, and perspectives.
- Assess adherence to natural justice and administrative fairness principles.
- Provide fair, evidence-based recommendations.
- Encourage systemic improvements through dialogue with decision-makers.

Investigations should always be transparent, fair, and solution-oriented.

Evaluation and Accountability

Accountability is demonstrated through:

- Annual reports, which summarize caseloads, issues, interventions, and recommendations.
- Feedback surveys, distributed in confidential formats to service users.
- Independent evaluations, conducted periodically to assess the office's structure, effectiveness, and relevance.

Evaluation ensures ongoing improvement and institutional responsiveness.

Transition

What protocol should be followed when a new ombudsperson takes office?

All ombudspersons should prepare an "exit plan." This is particularly important for one-person offices. Because situations leading to the rapid or unexpected departure of an Ombudsperson are rarely predictable, it is important to have a brief protocol outlining what would happen if the Ombudsperson were no longer able to fulfill their role due to illness, personal reasons, or other reasons. The protocol should also include the following expectation:

During the process of filling the position, it is important to specify that only an impartial and independent person appointed as interim ombudsperson will have access to the office's confidential files and appointment book.

If the departure of the ombudsperson is anticipated, every effort should be made to provide a transition period during which the current Ombudsperson and the new ombudsperson will be able to work together for a reasonable period of time. Furthermore, arrangements may be made so that the former ombudsperson can provide useful information to the new ombudsperson after his or her departure.

RESOURCES

Tools and References for Ombuds Practice

Key Standards and Guidelines

- *ACCUO Standards of Practice* (2012, bilingual).
- *Developing Terms of Reference for the Ombuds: Sample Clauses from Canadian College and University Ombuds Offices.*
- *Forum of Canadian Ombudsperson: Statement of Ethical Principles* (2014).
- *Fairness: A Best Practice Guide* (under development, ACCUO).
- *Toronto Metropolitan University Ombud's Office: Fair/Unfair and Fairness Checklist*.
- *Ombudsperson Saskatchewan* (2012). *What is Fairness?*

Sample Mandates

- **Concordia University: Mandate of the Office of the Ombudsperson.**

The Ombudsperson is appointed by the Board of Governors on the recommendation of an advisory committee for a renewable term; the mandate covers all members of the university community.

- **Confederation College: Ombudsperson Mandate.**

The Ombudsperson is appointed by the College's Planning Committee on the recommendation of the President; the mandate focuses on students and issues of interest to students.

- **Western University: Memorandum of Understanding (University and Students' Association).**

It is between the University and the University Students' Association, which describes, among other things, the mandate of the Office of the Ombudsperson and the Advisory Committee to the Office of the Ombudsperson; the

Ombudsperson is hired on the recommendation of the Advisory Committee; the mandate focuses on students and issues of interest to students; the University and the Students' Association share equally in funding the office.

- University of British Columbia (UBC): Mandate of the Office of the Student Ombudsperson.

The Ombudsperson is hired by the President on the recommendation of the Advisory Committee; the mandate focuses on students and issues of interest to students; the University, the Alma Mater Society, and the Graduate Students' Association fund the office.

Sample Tools

- Intake and Consent Forms: University of Ottawa.
- Surveys and Evaluations: UBC Satisfaction Survey.
- Brochures: Concordia University ("Promoting Fairness"); UBC ("Have a problem and don't know where to start?").
- Job Board: *Announcement of the position of Ombudsperson at the École Polytechnique de Montréal*

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