

A student ombudsman — will one help solve university problems?

"It is fundamental . . . that he have wide powers . . . to recommend changes"

An ombudsman for the university is a proposition bandied about on several campuses across Canada. In this article George B. McClellan, Ombudsman for the Province of Alberta, discusses his duties in the province and the feasibility of creating a position of campus ombudsman.

Mr. McClellan retired as Commissioner of the Royal Canadian Mounted Police in 1967 and in Sept. of that year was appointed to his present position by the Alberta Legislature. He is the first ombudsman on the North American continent.

By MIRIAM McCLELLAN
Gateway News Editor

The Ombudsman of the Province of Alberta has a quiet office on the ninth floor of the Centennial Building in downtown Edmonton.

He shares it with a secretary and two stenographers, two investigators and a lawyer.

George B. McClellan, a heavy set man who does not look his sixty years, spoke about his position in the informal atmosphere of his carpeted office.

"The ombudsman is generally an officer of parliament or the legislature and responsible only to that body," he said.

"He is not an employee of the government and he is not responsible to the

government. In Alberta he deals with complaints of any person or organization or business against departments or agencies of the government of the province."

"He does not investigate complaints in Alberta into matters lying wholly within the jurisdiction of local government, cities, counties nor does he deal with complaints against private business or individuals."

Mr. McClellan shuffled through the Ombudsman Act in front of him.

He emphasized that the ombudsman's office is not a "wailing wall" for the public, pointing out that making an ombudsman a "complaints officer" degenerates the idea of the position.

"The ombudsman is not a substitute for existing channels of complaint or appeal such as government boards, the courts, complaints to members of the legislature or the minister responsible."

"He may be appealed to only where other avenues of review and appeal do not exist or have been exhausted."

"In these ways he differs entirely from the usual complaints bureau," he said.

"If the ombudsman is a complaints officer, he's licked before he is started," emphasized Mr. McClellan.

The topic turned to students when Mr. McClellan tossed some letters across his desk.

"Here's some scholars who want me to do their term papers on the ombudsman for them," he laughed.

"Anyway," he continued, "as I see it, an ombudsman on the campus would be acting for a particular section of society including the students and possibly the faculty."

"You might also include personnel working on the campus such as employees, technicians, security staff, etc."

"I don't know how far you would want to go with this, but you would still be dealing with a comparatively small self-contained community."

"And I don't see how you could create the essential impression of impartiality if the ombudsman were either a student or a member of the faculty."

FIVE YEAR TERM

"The ombudsman is appointed for a five-year term by a vote of the whole legislature and his powers derive from an Act approved by the same legislature."

"Undoubtedly, you would have to find some form of responsible governing body who could enlarge or limit the the ombudsman's powers and to whom he would be responsible."

"It would be essential that the board, whatever it may be, have the power to put into effect or decline the recommendations the ombudsman puts before it."

"Now, I am not making a recommendation for an ombudsman on campus but am expressing some of the problems he will have if such a position is ever created," he cautioned.

"Unless you are going to rely entirely on the powers of persuasion, you have to give him some authority to obtain the information he must have to arrive at a well-founded opinion as to whether an injustice has or has not occurred."

"I have access to all government files and these files must be produced to me. I am therefore able to see exactly how a case has been dealt with and not just be required to accept a departmental official's version of what happened."

"Furthermore, I may require any person in the province to testify before me under oath if necessary and to produce documents relevant to the case under investigation."

"This power is not restricted to government employees. It applies to the general public as well," Mr. McClellan stated.

"You would have to consider just how far the administration of a university would be prepared to go in this respect."

"I take it for granted the ombudsman would only have the power to recommend remedial action. He would not have nor should he have any power to reverse decisions taken."

RECOMMEND CHANGES ONLY

"It is a fundamental of the system that he have wide powers of investigation but only the power to recommend changes at various levels ending finally with the senior legislative body having jurisdiction but with accompanying publicity at that stage."

Mr. McClellan said the ombudsman's position is exempted from civil action, libel suits, etc. because "the ombudsman at any time may find it necessary to criticize the actions of departmental officials."

And what about academic freedom?

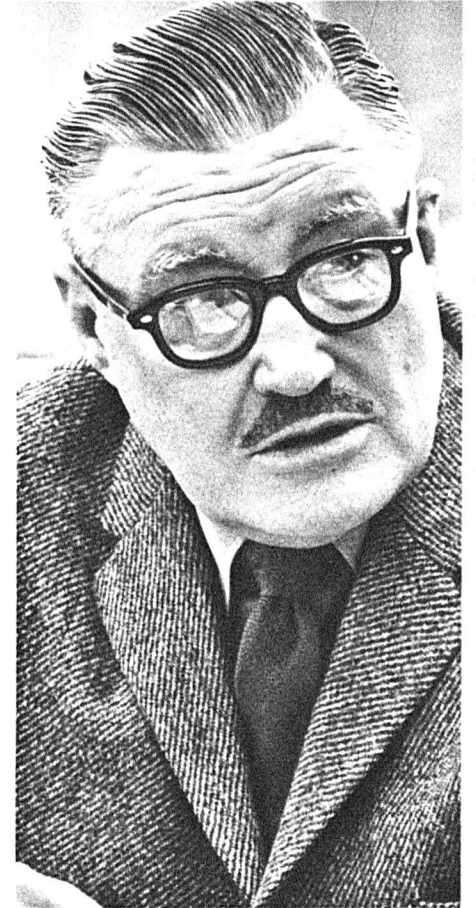
"I think you're going to have some very real problems in getting the idea of an ombudsman accepted at all levels of university government if he has all the powers that I have outlined," replied Mr. McClellan.

"And I must say that I am not sure that anyone should have these full powers in a rather small segment of the community which embodies a select group involved in one major pursuit," he commented.

"If I didn't have access to departmental files, I'd have to shut up shop. My position would be hopeless."

"I do think that possibly the best that could be hoped for would be an ombudsman acting by persuasion rather than demand" he thought.

"In other words he would investigate the complaints by endeavouring to per-



GEORGE McCLELLAN
... provincial ombudsman

suaude the faculty members, administrators, students, etc. to provide him with the information needed to make a decision."

"If the person declined to co-operate, unless there was a reasonable explanation for his refusal then I presume you have the means of making his attitude publicly known on campus."

"And you have your own newspaper," said the ombudsman.

"There is one major difference in the channel of responsibility which would be your biggest problem," he pointed out.

"Civil servants are, through their minister, responsible to the legislature and eventually to the voter for their actions. That is somewhat oversimplified but basically correct."

"The administrator and faculty of a university are not fully responsible to the student body for their actions—at least not yet!" he said as he smiled.

"Despite agitation to that end, the administration still has an indirect but nonetheless pretty firm responsibility to the community at large who pay the major portion of the cost of education."

"Thus it is easier to bring into effect legislation to require information to be supplied to the ombudsman in his capacity as an advocate for members if the public who have sustained injustice."

NO POWERS IN THE UNIVERSITY

As of now, the Alberta Ombudsman has no jurisdiction to deal with matters within the jurisdiction of the university but he has dealt with complaints by university students and faculty against government departments and agencies.

He refused to specify on the cases but within two weeks his second annual report will be presented to the Legislature and made available to the public.

Mr. McClellan doesn't pretend to believe that the ombudsman is a cure-all for the troubles on university campuses today.

Perhaps not even the recent destruction at Sir George Williams University in Montreal could have been prevented. But he did say, "even John Milton said that complaints readily heard and readily remedied bring about the type of civil rights that wise men look for."



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