

# REPORT OF THE OMBUDSPERSON FOR THE TIME PERIOD OF FEBRUARY 1, 1997 TO JUNE 30, 1998

## INTRODUCTION

This first Annual Report, covering the period from February 1, 1997 to June 30, 1998, is submitted in compliance with the Terms of Reference for the Ombudsperson which require that the Ombudsperson produce “an annual report to the University community through the Ombudsperson Review Committee”.

This Report gives a brief history of the Ombudsperson’s Office, reports on some of my activities since the Office opened, presents the caseload statistics, and outlines a number of issues that have been brought to the Office’s attention.

## HISTORY of the CREATION of the OFFICE

The idea to create an Ombudsperson’s Office at Ryerson has been raised a number of times over the years. In the Fall of 1993, the new President of the Continuing Education Students’ Association of Ryerson (CESAR) renewed discussions about the possibility of creating an Ombudsperson’s Office at Ryerson. This was based on his experience at Algonquin College in Ottawa where there is an Ombudsperson’s Office. A joint proposal signed by the Presidents of the Ryerson Student Union (RSU) and CESAR recommending the creation of an Ombudsperson’s Office was sent to the President of Ryerson. In the Spring of 1994, the President of Ryerson established a committee to review Student Services. The Committee held consultations and received deputations. The President requested that the idea of an Ombudsperson’s Office be reviewed. One of the outcomes of the Review was that the University held a referendum and asked students if they were prepared to pay a new ancillary fee to help fund new and existing student services. It was agreed to make the question of students funding an Ombudsperson’s Office a part of the referendum. The referendum was held in the Fall of 1995. Following a positive response by the students, the University established a Working Group to create the Terms of Reference for an Ombudsperson’s Office. The Ombudsperson’s Office operates external to Ryerson’s administrative structure, through the Palin Foundation.

The Office of the Ombudsperson at Ryerson officially opened on February 1, 1997. The services of the Office are available to current or former students of the University community or applicants to the University. The location of the Office is on the second floor of Oakham House.

## OFFICE OPERATIONS

### A) OPENING the OFFICE

I would like to begin this section by thanking all of you for making me feel so welcome at Ryerson and for the help that so many of you provided in my getting a new Office up and running in the middle of an academic year. It was quite a challenge to begin to provide a service on the same day as I arrived on the campus.

I have tried to get to as many meetings as possible over this past year and a half to introduce both myself and the Office to as many of you as possible. I offered at each meeting, that I was more than happy to meet with any groups or Offices on the campus to assist areas of the University to better understand the mandate of the Office. This offer still stands.

I see the Office of the Ombudsperson offering five services to both students and the University. The five services are: providing information and clarifications, doing referrals to offices all over the campus, resolving red-tape kinds of cases, doing investigations, and providing recommendations for change. I have provided the Terms of Reference for the Office of the Ombudsperson as Appendix A and the Ombudsperson Committee Terms of Reference as Appendix B. The current members of the Ombudsperson Committee are: Diana McLaren (Chair), Executive Director, CESAR; Lorna Kelly, Chair, School of Interior Design; Erin George, Vice-President, Education, Ryerson Students' Administrative Council; Keith Alnwick, Registrar; Liz Devine, Manager, Student Services Skills Development; Nazmin Zaver, President, CESAR; and Dennis Loney, Executive Assistant, RYESAC.

I have tried to make myself as available to students as possible combining both regular Office hours with set appointments for students who need to meet outside of typically regular Office hours. Some students visit the Office in search of information while others request more detailed assistance in the resolution of their concerns. The Office operates under standards of confidentiality.

During this past year, with the help of a number of people, we have developed a poster that advertises the Office. I would appreciate hearing from any of you who would like to post a copy. One of the most challenging tasks in starting up any new Office is making it known to people.

### B) REPORTING PERIOD

This first Annual Report covers more than a one year period. The statistics in this first Report cover a seventeen month period from February 1, 1997 (when we opened the Office) through to June 30, 1998. In subsequent years, the reporting year for the Ombudsperson's Office will be July 1 to June 30.

## C) CASELOAD

The statistics enclosed in this Report (Appendix C) outline the constituency usage of the office and provide a breakdown of the types of cases for 1997-98. As this is the first year of the Office's operation, I am unable at this time to provide any comparable data but this will be provided in future Reports. It is important to keep in mind when assessing the statistics that the numbers fail to truly indicate the nature and scope of the Office's activities dealing more with overall numbers of cases rather than the time, effort and complexity required to conclude each case.

## COMPLIMENTS AND CONCERNS

No one ever goes to an Ombudsperson's office to say what a wonderful time they are having. An Ombudsperson's Office on the whole hears from individuals who have complaints or concerns. To keep things in perspective it is important for Ombudspersons to constantly be on the lookout for positive aspects or activities in the environment where they are working. For this reason, this section includes a "compliments" section as well as a "concerns" section.

### A) COMPLIMENTS

#### 1) Academic Council Policies

When I arrived at Ryerson, I was provided with a paper copy of the "Selected Policy and Procedure Decisions of Academic Council". There are now one hundred and thirty-three policies. They were in chronological order according to when Academic Council had approved each Policy and there was no index. The Policies and Procedures are now indexed and on-line. This means that any member of the University community can be accessing this set of important policies by going to News and Events from Ryerson's home page.

#### 2) Offices Working Together

The majority of cases which proceed formally to an Ombudsperson's Office should be those where the complainant has followed the existing appeal procedures and were not satisfied with the results. What I have discovered at all three Universities where I have done this work is that students quite often find appeal and complaint procedures confusing and are not very confident in their own abilities to proceed on their own. The Registrar's Office, Student Services, RYESAC, CESAR and now the Ombudsperson's Office have developed a number of programmes and communication links to help both students and the University in the resolution of a number of problem areas.

### 3) Shaping Our Future: Report of the Vision Task Force

Just after I arrived at Ryerson, the Vision Task Force released its Final Report, “Shaping our Future”. The Report is filled with many recommendations, the goal being that Ryerson “be Canada’s finest university for applied undergraduate education”. As an Ombudsperson, I was especially impressed to see as recommendation number four that “Ryerson needs a clear, consistent University-wide protocol for addressing student concerns and grievances. Although mechanisms are in place to do this, current policy and procedural frameworks do not ensure their consistent application from one case or programme to another. All committees, individuals, and units that deal with student grievances should present an annual report to Academic Council or the relevant senior administrator.” The healthiest administrative structures are those that accept that there will be an error rate, understand that not all individuals fit exactly into existing policies and procedures and put in place adaptive mechanisms to deal with any concerns and grievances that come forward. Collecting information on how Ryerson is doing regarding this area is an excellent first step.

### 4) In-house Professional Development and Opportunities to Meet

During my year and a half at Ryerson, I have had the opportunity to attend a number of GREET seminars and two GREET conferences. In June of this year, I attended a forum for Departmental Assistants entitled “Supporting Students: Services, Issues, and Future Possibilities”. The participants at all of these events expressed the benefits they felt for themselves and the University in their getting together to learn and to discuss issues.

## B) CONCERNS

The following illustrates some of the concerns brought to the Ombudsperson’s Office during its first seventeen months of operation. It in no way reflects the full range of questions and concerns. As you can see from the statistics section of the Report the Office met with students with questions and concerns about many areas of the University.

### 1) Communication

After a year and a half of operation of the Office of the Ombudsperson, it is apparent that many of the problems that I see are a result of poor communication. This shows itself in many forms. What I see most often is miscommunication between students and faculty and staff members. Without the miscommunication being resolved, the student’s situation only worsens. In fact, many of the cases that this Office sees have become much worse based on the student not understanding their situation. Any discussion on this topic that would assist in the alleviation of this kind of situation, would greatly improve the students’ impression of the University.

## 2) Availability of Academic Staff

A number of students have approached the Office since it opened expressing a difficulty in reaching or hearing back from faculty members for whom they had left messages. This problem is more prevalent during the summer months than between September to April. Based on this Office's understanding of the administrative structure of the University, we have usually been able, often with the assistance of programme staff, to connect the student and the faculty member. Departments and Programmes need to coordinate very carefully, especially over the summer months, the availability of faculty members, so that even if individuals are away on vacation, that an acceptable level of service is available at all times.

## 3) Transfer Credit Time Limits

The Office heard from a Continuing Education student this year who was surprised to discover when she applied and paid for transfer credit assessment for courses taken at another University, that the response she received indicated that the courses were not going to be assessed because they were "too old". The courses had been taken a number of years previously. The Continuing Education calendar, though, did not indicate that the year that a course was taken would be taken into consideration. In this particular case, the University agreed to assess the student's credits. This information has now been added to the most current Continuing Education calendar and on the transfer credit application form.

## 4) Code of Student Conduct

The Code of Student Conduct outlines clearly the role of a Faculty Member who suspects academic dishonesty. The Faculty Member initially meets with the student. If the student admits to the allegation, the Department Head is informed. If the student disputes the allegation then a hearing is held at the Department/ School level. The Ombudsperson's Office met with four separate students this year where each of the students had received a failing grade in a piece of work. Upon seeking clarification of their grade, they were informed by their Faculty Member that they received the grade because the Faculty Member suspected them of having cheated on a test or having plagiarized a piece of work. In each of these cases, the Ombudsperson's office worked with the student and the academic programme to get the situation back in line with the procedures outlined in the Code of Student Conduct. This Office was surprised at the level of misunderstanding and confusion there seemed to be with this Policy. For any faculty members or teachers, reading this Report, who are not familiar with this Code, it is well worth your time to take a few minutes to reread the Policy.

## 5) Communications to Students Placed on Probation

One of the very first individuals that I heard from after we opened the Office, was a student who said that he had just been informed that he had been de-registered from his programme. He was told that he had been de-registered because he had not attended a seminar in his programme for students who had been placed on probation nor had he completed a probationary contract. The student claimed that he did not know that he had been placed on probation. When we enquired further we discovered that the student owed the University money and therefore his grades were not made available to him. The University, up to this point, had been informing all students, who had been suspended and withdrawn, of their status even if they owed the University money but this practice had not been extended to students on probation. Following this case, the process was changed to include informing students being placed on probation of their status. This particular student was permitted to complete a probationary contract and to continue with his course.

## 6) Challenge Credit Pass

Students at Ryerson can apply for challenge credits to take the place of a maximum of five one-term credits that may be applied toward their diploma or degree. This is especially attractive to individuals who have gained skills and knowledge in the workplace. The Office met with a student who had completed the Application for Challenge Credit, paid the fee and wrote the exam. The student was surprised when he was told that he had not passed the exam. When the student received his grade, he approached the programme to say that based on the “graded course performance designations” as outlined in the University calendar, he had passed the exam. The programme then explained that to pass a challenge credit exam in that particular programme, the grade required for a pass was much higher than the grade schedule in the calendar. This was news to the student. Upon further enquires the Ombudsperson’s Office has recommended that when the application for challenge credit form is reprinted that it include a statement directing the student to the programme to ascertain what constitutes a pass for each challenge credit.

## 7) Make-up Exams

During each set of final exams, there are a number of students who are unable to write their final exams for one reason or another. For students who provide an adequate rationale for why they were unable to attend the exam, an opportunity to write a replacement exam at a later time is often provided. This was the case for two students who approached the Ombudsperson’s Office. The two students had been given permission by their teacher to write their final exam after the final exam period. The students alleged that they attempted on a number of occasions to find out when and where they were to write the exams. The Department alleged that the students did not go to the right place to make their enquiries. This case was processed through all three levels of appeal. The decision of the Appeals Committee of Academic Council, which is the final level of appeal and its decisions final and binding, denied the appeal. The Appeals Committee,

though,

did identify that the procedures for taking a missed final exam are sometimes “not specific”. The ramifications to these two students not writing the replacement exams were severe. They knew that they would end up with failures on their academic record, which meant that one of the students would have been potentially suspended and the other student would have been one course short to graduate. The Ombudsperson’s Office has talked to the Registrar’s Office about this case. There is no formal or specific process for either students or faculty to follow regarding the writing of missed final exams. Clearly, if informal attempts are not sufficient then more formal processes will need to be developed.

#### 8) Faculty or Staff Usage of Confidential Student Records

The University maintains a wide range of confidential student data. Systems and policies are crafted to protect the confidentiality of this data. Members of the community access this data subject to policy provisions. One type of data governed by policy is the student’s academic record. The Ombudsperson’s Office assisted a student who alleged that this policy had been breached. The student alleged that a Faculty Member had shared a part of the student’s academic record with a friend who was a relative of the student. The relative had then approached the student. The Faculty Member admitted to the breach, assured the student that this would not happen again and apologized.

#### 9) Submission of Appeals

The Policy entitled, “Policies and Procedures on Appeal Deadlines” in the Selected Policy and Procedure Decisions of Academic Council states that “appeals must be submitted in person or by registered mail”. A number of Offices that provide information and assistance to students who are submitting appeals are, on a regular basis, being asked why students cannot fax in their appeal. Currently the Policy does not give them that choice. One of the reasons for why this Policy may not offer faxing as an option is that this particular Policy was approved in 1985, prior to the prevalence of fax machines. Based on the number of times this request is being made and especially by students who leave the city to obtain summer employment, Ryerson would be seen to be utilizing the new technologies to the benefit of students if Academic Council were to amend this Policy to include the option to fax in an appeal.

#### 10) Early Feedback

Ryerson has a Policy entitled, “Early Feedback on Student Performance in a Course”, which states that “Academic Council affirms the principle that timely and constructive feedback in response to student work is an essential element in the learning process”. The Ombudsperson’s Office heard from a number of students this year who felt that they were not receiving constructive feedback in a timely fashion. It is difficult for students to proceed with their concerns when this particular Policy is worded as it is. If the Policy offered some specific expectations, students would feel that they were in a much better position to measure their

expectations to those of the University's.



## CONCLUSIONS

Accomplishing the mandate of the Office of the University Ombudsperson often feels like an overwhelming task. It is made less so by the many members of the University community, who assist to resolve the problems and complaints which come forward to this Office. I would especially like to thank those who have been so responsive to my many questions and enquiries as I get to know Ryerson.

I would also like to thank those of you who have invited me to speak on a number of topics over this past year and a half. Each of these occasions gave me another opportunity to meet more individuals working and studying at Ryerson.

I would like to conclude this first Report of the Office of the University Ombudsperson by relaying my thanks to each of the members of the Ombudsperson's Review Committee, for not only the time and support that they have provided to me as an individual new to the University but also to the establishment of the Office.

I have enjoyed my first year and a half in the Office a great deal. I look forward to continuing to work with all of you to make Ryerson, "Canada's finest university for applied undergraduate education".

Submitted by

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Liz Hoffman  
University Ombudsperson

Appendix A

**Ryerson Polytechnic University**

*TERMS OF REFERENCE FOR THE OFFICE OF THE OMBUDSPERSON*

1. The Office of the Ombudsperson shall be independent of all existing university and student administrative structures and have the following functions:
  - a) To advise and/or refer members of the University student community as needed about all situations and University procedures concerning which grievances may arise; specifically, to advise students of their rights and responsibilities and of the proper procedures to follow in order to pursue whatever business or complaint they may have. Where such information exists in University offices or publications, the Ombudsperson shall direct enquirers to these sources and emphasize their responsibility for initiating the appropriate actions and for returning to the Ombudsperson if not satisfied with the results;
  - b) To investigate, in an impartial fashion, student complaints that may arise against the University or against anyone in the University exercising authority. Complaints may be made by any member holding status as a student of the University community, by former members of the student body or by student applications to the University (dependent on the discretion of the Office of the Ombudsperson), whether accepted or not at the time of the complaint. Investigations may also begin on the independent initiative of the Ombudsperson in respect of anyone of the above entitled to make a complaint;
  - c) To bring findings and recommendations to the attention of those in authority by the most expeditious means possible.
  
2. It shall be the special concern of the Ombudsperson that:
  - a) Decisions affecting members of the University student community are made with reasonable promptness;
  - b) Procedures and policies used to reach decisions affecting students are adequate and consistently applied and that criteria and rules on which the decisions in question are based are appropriate;

- a) Any gaps and inadequacies in existing University procedures that might jeopardize the principle of natural justice or human rights and civil liberties of members within the University student community be brought to the attention of those in authority. It would not be the function of the Ombudsperson to devise the new rules and procedures, but to make recommendations and follow these up to the extent necessary for their formulation and/or improvements.

### **Authority to Act**

The Ombudsperson shall, from time to time, require information from the University or from anyone in the University exercising authority, therefore:

In order to fulfil the function of the office, the Ombudsperson shall have access to all official university files, records and information as required in accordance with the University's policy on Freedom of Information and Protection of Privacy. Requests for information from the Ombudsperson must be given priority by every employee of the University.

### **Responsibilities of the Ombudsperson**

The Ombudsperson *shall*:

- a) Accept and act upon reasonable requests for information, advice and counsel regarding matters falling within the mandate of the office;
- b) With reasonable promptness, investigate all complaints directed to the Ombudsperson's Office regarding matters falling within the mandate of the office;
- c) Forward recommendations regarding policy and procedure to the appropriate officials within the University in an expeditious manner;
- d) Produce a statistical report each semester, as well as an annual report to the University community through the Ombudsperson Review Committee, and other such special reports as may be required from time to time by the Ombudsperson Review Committee;
- e) Shall respect the need for confidentiality as much as possible; operate under standards of confidentiality;
- f) Communicate clearly to a complainant the extent to which the Ombudsperson can respect a complainant's request for confidentiality.

Although authorized to function in the widest possible context and within a minimum of

constraints, the Ombudsperson *shall not*:

- g) Act as the advocate of any party during the investigation of a complaint;
- h) Initiate an investigation until all existing avenues for seeking redress have been exhausted;
- i) Exercise such authority beyond the legal authority of the University, although recommendations may be made concerning the authority of the University or of its constituent parts;
- j) Make University policy or replace established legislative or judicial procedures, although any or all of these may be investigated or questioned and such recommendations made as appropriate for their improvement and efficient functioning;
- k) Release any information regarding personal and personnel records, except for situations as required by law.

### **Responsibilities of the University**

The University shall:

- a) Ensure the Office of the Ombudsperson is enabled to carry out its mandate and responsibilities without hindrance from any officer or authority of the University community;
- b) Respond, through the Vice-President, Administration, to the annual report of the Ombudsperson and to any other such special report as may be required from time to time by the Ombudsperson Review Committee.

### **Operation of the Office**

- a) Files
  - (i) The Ombudsperson shall maintain suitable records of complaints, findings and recommendations and these shall be accessible only to the Ombudsperson and members of the staff of the Office of the Ombudsperson;
  - (ii) Each file and records will be maintained for a period of seven years and one day from the date on which the Ombudsperson deems the case to be completed. At the end of the period of seven years and one day, the files or records may be destroyed; however, no destruction of the file or record will take place while any

proceedings are pending in the University, the Courts or any outside tribunal and until after all rights of appeal are exhausted or times of appeal have expired;

- b) While exceptions may be made by the Ombudsperson with respect to matters of major importance, the office will normally function in terms of first come, first served;
- c) The Ombudsperson shall have unrestricted access to all University authorities.

## **Appendix B**

### **Ryerson Polytechnic University**

#### *OMBUDSPERSON COMMITTEE*

#### **Terms of Reference**

Mandate and objectives for the Ombudsperson's Committee are as follows:

- a. To ensure the incumbency of the Office of the Ombudsperson by conducting the selection of the Ombudsperson and the Ombudsperson's performance evaluation.
- b. To provide advice and guidance to the Ombudsperson as required and/or upon request.
- c. To approve forward planning for the Office.
- d. To approve the annual budget of the Office and monitor expenditures.
- e. To ensure responsibility for broad dissemination of Ombudsperson's report.

#### **Membership**

The Committee is comprised of seven (7) representative as follows:

- a. Two (2) representative appointed by the RYESAC executive
- b. Two (2) representatives appointed by the CESAR executive
- c. Three (3) representatives appointed by the Vice-President, Administration.
- d. Ombudsperson is non-voting member of ex-officio.

## **Operation**

The Committee will choose a chair at its first meeting of the academic year.

Regularly scheduled meetings may be held monthly and meetings may be scheduled at the call of the Chair. Meetings should be called at least twice a semester and once during the summer.

Persons may be invited to observe and/or participate in meetings; in-camera sessions may also be called.

The Committee will endeavour to operate by consensus, but any member present may require a vote on any matter under consideration.

The Committee periodically reviews its own terms of reference and those of the Ombudsperson. This will be done after the first year of operation.

The Committee respects the confidentiality of the Ombudsperson's casework and is not in receipt of confidential information from Office records that identifies individuals or groups of individuals.

## **Administrative Structure**

The Office of the Ombudsperson will be managed by an Ombudsperson's Committee comprised of representatives from RYESAC, CESAR, and Ryerson. One Ryerson representative will be appointed as Vice-President, Administration's delegate and will be responsible for line reporting.

The Ombudsperson's annual report will be delivered to the President (RYESAC), President (CESAR), Vice-President, Administration (Ryerson), President (Ryerson), and the Board of Governors, to then be widely disseminated within the Ryerson community.

## Appendix C

**Table 1 - Breakdown of Caseload by Constituency**

	Feb 1/97 - June 30/97 30/98	July 1/97 - June 30/98
Full-time Degree	71	210
Part-time Degree	8	14
Continuing Education	27	49
Special Students*	1	2
Miscellaneous**	16	27
<b>TOTAL</b>	<b>123</b>	<b>302</b>

\* Students on Letter of Permission

\*\* Alumni

**Table 2 - Breakdown of Caseload by Action Taken**

	Feb 1/97 - June 30/97	July 1/97 - June 30/98
Information*	7	21
Advice**	75	199
Intervention***	41	82
<b>TOTAL</b>	<b>123</b>	<b>302</b>

\* Providing information on policies and procedures

\*\* Providing information and discussing possible options with the student

\*\*\* The Office taking action, with the student's permission, to assist in some way in the



resolution of the student's concern.

**Table 3 - Case Types**

Feb 1/97 - June 30/97

	Information	Advice Intervention	
Admissions	2	6	4
Advanced Standing		2	1
Challenge Credits		2	2
Academic Appeals		28	7
Non-Academic Complaints		6	4
Late Withdrawals		3	
Prerequisites		2	
Re-Admission		5	2
Student Conduct		3	2
Residence	2	2	1
Library		2	2
Financial Aid			2
Fees	3	6	6
Transfer Credits		3	2
Accessibility		2	2
Team Work		3	3
Letters of Admission			1
<b>TOTAL</b>	<b>7</b>	<b>75</b>	<b>41</b>

**Table 4 - Case Types**

July 1, 1997 - June 30, 1998

	Information	Advice Intervention	
Admissions	4	5	8
Advanced Standing		3	
Challenge Credits		4	2
Academic Appeals		52	18
Non-Academic Complaints		22	5
Course Requirements	3	7	2
Late Withdrawals			
Prerequisites			
Re-Admission		22	8
Student Conduct	1	17	7
Residence	6	9	3
Library		8	
Financial Aid		12	3
Fees	7	17	11
Transfer Credit		8	3
Accessibility		9	4
Team Work		4	8
<b>TOTAL</b>	21	199	82

