



Listening & Learning

Annual Report for July 1, 2010 to June 30, 2011 for the Ombudsperson for
Ryerson University

10/11

What is the reason for this report?

10/11

One of the measures of accountability for the Office of the Ombudsperson is the production of an annual report which lists the number and types of concerns and complaints received by the Office; explains how the issues raised were handled; provides recommendations for system-wide improvements that flow from the discussion of complaints and concerns; reflects on the feedback provided by those who responded to inquiries and investigations; and summarizes the research conducted about the issues raised with the Office.

It is my hope this report achieves two objectives: 1) assists all members of the community to understand the role of the Ombudsperson at Ryerson University so they can make best use of this service; and 2) contributes via the recommendations made and the University's response to these recommendations to the ongoing development and improvement of the fairness of decisions made as well as the degree of civility of the interactions among community members.



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Quick facts:

Essential Characteristics of the Office of the Ombudsperson at Ryerson University include:

Confidentiality
Impartiality
Independence
Informality

The Office of the Ombudsperson was established in 1997 via leadership from a community-wide taskforce.

Staffed by:

Nora Farrell, Ombudsperson

Ayesha Adam, Assistant Ombudsperson
(currently on maternity leave)

Jody Nyasha Warner, Assistant Ombudsperson
(August 2011 - July 2012)

Stephanie Lever, Administrative Assistant (part-time)

What we do:

The role and functions of the Ombudsperson at Ryerson University as defined by the Terms of Reference are:

- 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 applicants 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;
- c) Any gaps and inadequacies in existing University policies and procedures that might jeopardize the principles of fairness and natural justice of members within the University student community be brought to the attention of those in authority. It is not 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; and
- d) The complaints received by the Ombudsperson are analyzed on an annual and multi-year basis, to determine trends and identify potential for systemic or system-wide problems.¹

The following information² is provided to illustrate the size of the Ryerson University community:

Student Enrolment, FFTE³ 2009-2011

Year	Undergraduate Students	Graduate Students
2010/2011	23,237	1,805
2009/2010	22,223	1,643

Continuing Education Enrolment 2009-2011

Year	Continuing Education Students, FFTE	Continuing Education Course Registrations
2010/2011	2,412	68,532
2009/2010	2,671	67,231

Teaching and Staff Complement, 2009-2011

Year	Tenure/ Tenure Track Faculty	CUPE Part-time and Sessional Instructors	CUPE Continuing Education Instructors ⁴	Staff (FFTE)
2010/2011	778	228	464	1,718
2009/2010	772	228	469	1,687

¹ Terms of Reference for the Office of the Ombudsperson (October 2009), online: The Office of the Ombudsperson at Ryerson University <http://www.ryerson.ca/ombuds>.

² "University Planning Office, Key Statistics" (2011), online: Ryerson University <http://www.ryerson.ca>.

³ FFTE stands for Fiscal Full-Time Equivalent. A student's FFTE is the proportion of a full load course load that he or she is taking. For example, if a program normally included 20 hours of instruction, a student enrolled in 15 hours of courses would generate 0.75 FFTE (15/20).

⁴ Office of Instructor Relations, Continuing Education – The Chang School. These numbers represent the average number of Instructors engaged to teach courses in the Chang School over the Fall, Winter and Spring semesters for 2009/2010 and 2010/2011.

Types of Concerns



	10/11	09/10	08/09	07/08	06/07	05/06	04/05	03/04
TOTAL	571	579	586	558	606	573	535	480
ACADEMIC ADVICE ⁵	138	104	103	92	106	71	59	61
ACADEMIC APPEALS ⁶	107	169	158	142	165	137	168	152
ACADEMIC MISCONDUCT	70	65	83	64	57	37	34	23
ACCESSIBILITY	33	10	12	11	5	8	5	6
ADVANCEMENT & DEVELOPMENT	1	0	0	0	1	1	3	0
ADMISSIONS ⁷ (UNDERGRADUATE)	17	10	15	25	35	28	34	31
ADMISSIONS (GRADUATE)	4	5	6	5	4			
ANCILLARY SERVICES	1	1	0	1	1	2	0	2
CAMPUS PLANNING & FACILITIES	0	1	0	0	2	2	1	2
CONDUCT – INSTRUCTOR	57	78	43	42	45	60	82	57
CONDUCT – STAFF	13	14	12	11	12	21	15	16
CONDUCT – STUDENT	9	4	7	9	11	15	12	4
CONFIDENTIALITY	4	5	1	0	3	1	1	2
CONVOCATION & AWARDS	0	0	1	1	N/A	N/A	N/A	N/A
CURRICULUM ADVISING ⁸	7	7	11	18	17	23	10	9
ENROLLMENT SERVICES	24	37	41	35	44	55	28	25
EXCHANGE PROGRAMS	0	1	0	0	0	0	2	0
FEES	7	7	20	24	18	30	10	18
FINANCIAL ASSISTANCE	16	9	15	13	14	11	10	8
INFORMATION REQUESTS – NO COMPLAINT	2	7	4	9	7	10	20	17
LIBRARY	2	2	1	1	1	1	0	3
OUTSIDE JURISDICTION	13	8	13	9	7	10	7	7
PRACTICUM/PLACEMENT (ADMINISTRATION & AVAILABILITY)	4	2	7	9	11	5	4	5
REINSTATEMENT/RE-ADMISSION	27	17	15	26	25	25	13	16
RESIDENCE	3	7	4	3	2	3	3	3
SAFETY & SECURITY	2	1	2	3	5	3	4	4
SPORTS & RECREATION	1	0	0	1	1	0	0	0
STUDENT MEDIA	1	0	0	0	0	0	1	0
STUDENT SERVICES	4	1	2	2	2	3	1	2
STUDENT UNIONS/ASSOCIATIONS	3	5	8	2	4	9	7	3
TEAM WORK	1	2	2	0	1	2	1	4

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⁵ This category includes concerns regarding not being able to easily access academic advice from a knowledgeable person.

⁶ Includes Grades and Academic Standing.

⁷ Including Advanced Standing.

⁸ Including Transfer Credits and Challenge Credits.

Status of Individuals Bringing Forward Concerns & Complaints



	10/11	09/10	08/09	07/08	06/07	05/06	04/05	03/04
CONSTITUENCY								
ALUMNI	8	11	22	6	22	27	10	7
APPLICANT	17	13	25	27	40	29	15	29
CONTINUING EDUCATION/PART TIME DEGREE	76	106	95	82	87	92	85	79
FULL-TIME DEGREE	406	368	385	375	394	372	375	334
GRADUATE STUDENTS	27	41	25	32	31	14	10	4
MISCELLANEOUS (PARENTS, STAFF, ETC.)	37	40	34	36	32	39	40	27
TOTAL	571	579	586	558	606	573	535	480

Summary of Service Provided

Information:

Providing information on policies and procedures.

Advice:

Providing information and discussing possible options with students.

Intervention:

Taking action to assist in some way to resolve the concern, e.g. clarifying information, facilitating, mediating, conducting investigations.

	10/11	09/10	08/09	07/08	06/07	05/06	04/05	03/04
ACTION TAKEN								
INFORMATION	1	2	10	8	9	23	51	114
ADVICE	482	493	471	452	434	386	364	262
INTERVENTION	88	84	105	98	163	164	120	104
TOTAL	571	579	586	558	606	573	535	480

	10/11	09/10	08/09	07/08	06/07	05/06	04/05	03/04
ACTION TAKEN								
ADVICE & REFERRAL	482	493	471	452	434	386	364	262
INFORMATION	1	2	10	8	9	23	51	114
INTERVENTION – CLARIFYING	39	42	43	36	79	82	62	49
INTERVENTION – MEDIATION	1	0	1	1	1	0	2	3
INTERVENTION – SHUTTLE DIPLOMACY	31	25	31	42	61	62	45	40
INVESTIGATION	17	17	30	19	22	20	11	12
TOTAL	571	579	586	558	606	573	535	480

Good news stories for the year July 1, 2010 to June 30, 2011



In the 2009/2010 report I placed considerable emphasis on the benefit of the Yeates School of Graduate Studies (YSGS) defining more clearly the means available for quickly resolving disputes between academic supervisors and graduate students in a respectful, fair and when appropriate, confidential, manner. In response, the Provost and Vice President Academic and Vice President, Administration and Finance advised that the Interim Dean of YSGS (Debra Foster) was committed to increasing awareness of the expectations for all concerned as articulated in the 'Responsibilities' document which was already in place as one means of addressing this concern.

Going forward Dr. Foster and her colleagues demonstrated very strong leadership in this area. For instance, Dr. Foster said: "We understand that these relationships are critical to graduate students, their experiences and success in graduate school and that there was a need to provide more guidance to students on how to initiate, develop and maintain good working relationships with supervisors and what to do if there are problems. Since then, the Admissions and Studies Committee of YSGS Council has undertaken to develop a set of guidelines for students and supervisors as well as supervisory committees and graduate program directors." Proceeding from that vantage point, the Admissions and Studies Committee went far beyond the initial commitment to promote the current resource more widely to actually creating a new, more comprehensive and detailed document. Specifically, over the past year, this Committee has defined the roles and responsibilities of all those individuals who are important to successful graduate student and academic supervisor relationships. In addition, the means that should be followed for resolving disputes between students and their academic supervisors has been clearly articulated. The document which has been produced by this group is entitled "Graduate Supervision" and has been posted on the YSGS website under 'Policies' at: <http://www.ryerson.ca/graduate>.

In my view, the approach taken in this document with respect to tone, content and format makes a very valuable contribution to the creation of a milieu that is supportive of effective, productive relationships. My hope is that this material will be publicized widely and consulted frequently. If the material is used as intended this resource will prevent the emergence of unproductive conflicts, and, if they are unavoidable given the

personalities and circumstances involved, the document provides clear direction on the routes to follow to resolve them in the most appropriate and time efficient manner. I'd like to congratulate all those involved for producing this resource in such a timely manner.

I am also pleased to see that the Graduate Academic Consideration and Appeals policy is being reviewed in its entirety by the aforementioned Admissions and Studies Committee in 2011/2012.

On a more general note, I would also like to recognize the leadership shown within the University by all members of the community which has resulted in the remarkable achievement of the establishment of the position of **Assistant Vice President/Vice Provost: Equity, Diversity and Inclusion** at a time of fiscal restraint. This kind of institutional commitment bodes well for the future.

Finally, I am very pleased with the commitment made by the University to ensuring that the importance and mechanics of impartial and fair decision-making be included in all ongoing training and professional development for academic decision makers.

Decreases Observed

In the 2009/2010 service year the number of concerns and complaints regarding instructor conduct⁹ increased a great deal. As it is not unexpected that there would be potential for negative conflict between those who are engaged in a joint enterprise or undertaking, given differing expectations and strengths and a variety of stresses, which are both predictable and unexpected, it is very important for all parties to have both the skills and the motivation to convert unproductive interaction into constructive dialogue. In my experience, such a transition is often dependent upon how the parties react to the initial conflict. Those who see engaging in conflict constructively as a normal part of the educational experience and whose default position is to collaborate when it's appropriate to do so, generally have positive outcomes. This year the number of concerns and complaints brought to my Office regarding instructor conduct decreased substantially (by 27%) even though there was a modest increase in the number of students enrolled at the University this past year and the number of full-time instructors remained virtually static. This is a very positive development which is likely driven by both students and instructors engaging in useful dialogue so as to come to an effective and fair means of resolving disputes.

clarify that there are a number of different types of instructors and faculty members employed at Ryerson University, that being, those affiliated with two different C.U.P.E. units and the Ryerson Faculty Association (RFA).

⁹ *'Conduct' in this context refers primarily to interpersonal communication. Complaints that are academic in nature generally fall into the category of Academic Appeals (both Advice and Procedure) and are shown separately as can be seen at page 3. In addition, as shown on Page 2, I would like to*

Yet another decrease of substantial magnitude is in the area of concerns about academic consideration and appeals. In this area the number of complaints is the lowest it has been since 2002/2003 when many less students were enrolled at the University. My speculation is that this decrease is due to the culmination of a number of important initiatives, with the development of the Fresh Start Program being particularly influential. By way of background, the Fresh Start Program was initiated on a pilot basis in 2010 for use by first-year students only and has now been established as a permanent program, with a full-time coordinator, under the 'Student Success Program'. This program provides the opportunity for students, who are assigned a Required to Withdraw (RTW) academic standing for the first time due to their poor academic performance, to enroll in a controlled re-entry program, if they meet particular criteria.

The most recent revisions to the policy on Undergraduate Grading, Promotion, and Academic Standing (GPA Policy) made in May 2011 regarding RTW status deserve recognition. The specific elements, which have created great potential for increased student engagement and success, include:

- 1) Limiting the length of time RTW students are required to be away from their program or before transferring to a different program, to one semester, if they participate in the Fresh Start Program; and, secondly, for those students receiving an RTW standing at the end of the Winter term, making provision for the spring/summer term to fulfill the requirement for being absent from the University for one semester.
- 2) Providing the opportunity for students at all levels of study to apply for the Fresh Start program which allows them to take two courses in the first term and four courses in the second term, all of which will count for credit toward the student's degree requirements and grade point average (CGPA) and ensure **guaranteed** reinstatement if the student performs at the required level. My understanding is that providing this level of certainty has been very helpful to schools and departments for planning purposes and for students and their families when analyzing what is the best approach for pursuing further post secondary education.
- 3) Requiring that eligibility criteria for participating in the Fresh Start program be established by each program, department or school and shared with students in advance of applications being submitted. The availability of this kind of information makes for much better informed applicants and a more streamlined and transparent application process from an administrative perspective.

The number of students¹⁰ who have made use of the FreshStart program to get back on track with their original program, or to pursue a new route that is better suited to their abilities, is a testament to the value of this approach for student success both in the short and long term.

I would also like to compliment the Student Financial Assistance (SFA) Office whose personnel determined that students enrolled in the Fresh Start program on an Extended Probationary Contract were eligible for Ontario Student Assistance Plan (OSAP) funding. They have advised students that they may apply for OSAP funding as a part-time student for the first term when they are taking two degree credit courses and one non-credit, mandatory course and as a full-time student for the second term when they are taking four degree credit courses. The analysis done and the clarification provided by the SFA means that students who otherwise would have been excluded from participation in the Fresh Start program solely on the basis of their socio-economic situation now have increased access.

¹⁰ My understanding is that 430 students applied for Fresh Start for Fall 2011 and 381 were deemed eligible to participate in this program.



While I am generally positively impressed by the revisions made to the GPA policy, I am surprised by the inclusion of one criterion which attracts the academic standing of Permanent Program Withdrawal (PPW). Specifically, the policy now requires that a student who applies for reinstatement twice and is denied twice, is automatically assigned an academic standing of PPW. As PPW is typically emblematic of a very low level of academic performance it would seem more logical to prohibit a student from applying for reinstatement a third time via administrative fiat. For example, it is possible that a student who has applied for reinstatement twice and has been denied due to lack of space may have a CGPA just below 2.0 or even above 2.0 if the student earned an RTW standing as a result of being on Probation and not achieving a Term GPA of 2.0. Given the import of academic standings accurately reflecting academic performance, and the difficulty students who are PPW have gaining admission to other university programs, I am recommending the following:

Recommendation 1:

That the University re-consider assigning an academic standing of Permanent Program Withdrawal for a situation that could be easily and more fairly addressed via an administrative rule, i.e. a student may only apply for reinstatement to the same program twice.

Increases Observed

A number of disturbing trends have emerged in 2010/2011 which deserve attention as well.

Specifically, the category of 'Accessibility and Accommodation' which relates to the perceived ability of students with long term or life long disabilities or short term disabling conditions to acquire the support they need in order to have equality of opportunity to be academically successful, has increased dramatically.

Two primary concerns are evident from the analysis of the issues raised:

In this past year (as well as many times in previous years) I have been told by some students that they hesitate to say they are registered with the Access Centre when speaking with some instructors and fellow students as they have concluded from comments made that such an affiliation will not be welcomed. One of the most common refrains is that students have the impression that some of their peers and faculty members/instructors believe that students who use the services of the Access Centre have an unfair advantage over students who do not have disabilities. On the face of it, it is difficult to understand how anyone would think that it is unfair to those who do not have disabilities to 'level the playing field' for those whose medical conditions make it impossible for them to participate in the same way as their colleagues. While

such a view strikes me as illogical, it is also wrong and offensive to conclude that students using the Access Centre are getting preferential treatment and unfair advantage. Sadly, I have also been told by some students that they hesitate to register with the Access Centre as they are concerned about being stigmatized for having a condition, particularly if it is related to mental health and/or a learning disability, that requires them to seek accommodation. This fear of stigmatization is not unreasonable as I have also been told by various individuals that they think those who register with the Access Centre are not really capable of academic work. When these kinds of disclosures are made a great deal of time is then spent educating individuals on what constitutes a disabling condition and the type of supports that are typically made available to students registered with the Access Centre that complement rather than take away from a high level of academic integrity. I also talk about individuals who are widely known in the public domain for their intellectual abilities and who also study and live with a variety of disabling conditions.



Another belief that should also be relegated to the 'urban myth' category is that which is predicated on the conclusion that since a person does not have a visible disability, (e.g. an obvious hearing, visual or mobility impairment), accommodation may not be justified. Individuals with invisible disabilities face the same kinds of challenges and struggles as those whose challenges are readily evident. It is interesting to note from the Access Centre's most recent Accountability report (2010/2011)¹¹ that 71% of the 1304 students¹² registered with the Access Centre have disabilities, which for the most part, are invisible, such as various mental health conditions, acquired brain injuries, learning disabilities, psychiatric conditions and autism disorders. In addition, to complicate matters further, 20% of students registered with the Access Centre are living and studying with multiple disabilities.

The reality of how difficult it is for some observers to give credence to an invisible disability was eloquently described by Jan Rosett in this description of an incident related to her own recovery from an acquired brain injury: "I broke my leg last year, and it took me and my physical therapist a week to recognize it, because my broken leg was unremarkable compared to my chronic neuropathic pain. Then, it was spooky how much more attention my cast and crutches elicited both from strangers and doctors than my broken brain does, even though my invisible cerebral disabilities cause more pain."¹³

In order to ensure erroneous conclusions about the validity of students' disabilities do not persist, it is important to know the facts:

- *Notably, the prevalence of disabilities within the Canadian population generally has increased from 12% in 2001 to 14% in 2006.*¹⁴
- *Depression and anxiety are the most common mental health problems faced by young people.*¹⁵ *Consistent with this observation made by the Canadian Mental Health Commission, Dr. Michael Van Meringen, Professor of Psychiatry, McMaster University and former Co-Director of the Anxiety Disorders Clinic at McMaster University stated: "The University cohort is entering the age of risk for onset of psychological disorders. The first episodes of clinical depression, panic disorders and generalized anxiety typically manifest in the late teens or early twenties."*¹⁶
- *The percentage of university students with disabilities in Canada using the type of services provided by the Ryerson Access Centre increased from 1.12% in 1991-1992 to 3.8% in 2007. It is notable that this 320% increase in usage is much higher than the 32% increase in the general student population which grew from 335,101 to 442,189 over the same time frame.*¹⁷

It is also crucial for all community members to appreciate that students may only be registered with the Access Centre if they have robust documentation, which is typically provided by psychologists and physicians, detailing their conditions along with the assessor's view on what is appropriate accommodation. In concert with these professional assessments and recommendations and the Access Centre Facilitators¹⁸ expertise on effective means for providing accessible education, the Facilitator completes an accommodation form that is then provided by the student to the relevant faculty members/instructors. I believe it also falls into the category of 'urban myth' that Access Centre staff issue accommodation forms very easily. This perception is clearly not defensible as accommodation forms can only be provided to students if current, *bona fide* documentation has been provided by a regulated health professional. In addition, students registered with the Access Centre are required to have their documentation updated regularly.

¹¹ Marc Emond, "2.1 Accessibility Fund for Students with Disabilities – Activity Report" (5 August 2011) Ryerson University, The Access Centre at 8.

¹² In 2009/2010 1148 students were registered with the Access Centre which represents a 14% increase in registrants for 2010/2011. The increase in registrants for the two year period of 2008/2009 to 2010/2011 is 25%.

¹³ Jane Rosett, "Starting Again After a Brain Injury" *The New York Times*, (9 October 2011), Sunday Review 9.

¹⁴ "Persons with disabilities by age, group and sex" (2006), online: Statistics Canada <http://www40.statcan.gc.ca>.

¹⁵ "News from Mental Health Commission of Canada" *Child and Youth Special Edition* (Summer, 2011), online: Mental Health Commission of Canada <http://www.mentalhealthcommission.ca>.

Based on the themes that are evident from the complaints received and my review of a number of situations regarding the lack of accessibility experienced by some students I am recommending that:

Recommendation 2:

Orientation and ongoing training on demystifying disability and accommodation and increasing accessibility be provided to faculty/instructors, staff and students on an ongoing and regular basis, by Ryerson faculty/instructors, Access Centre staff and students and external experts. The content should include information on:

- *the impact of disabilities, especially those disabilities that are invisible, and the myriad of well established means for increasing accessibility within academic communities in a streamlined and cost-efficient basis while maintaining high academic standards;*
- *the success that has already been achieved in many settings by adopting a problem solving approach which emphasizes a first response of willingness to assist to the greatest extent possible, while maintaining the requisite academic standards.*

The second issue that has arisen with respect to students' complaints about a lack of accessibility and accommodation relates to their interaction with the Access Centre itself. Typically this kind of complaint revolves around differing views as to the appropriate role of the Access Centre Facilitator with respect to advocacy. In my view the Access Centre's primary role is to assist students and faculty/instructors so as to overcome barriers, whether they be unique or common, in such a fashion that students have the opportunity to be academically successful consistent with their abilities. How that role will be deployed depends on many variables. My understanding is that the Access Centre operates on the ethos of self-empowerment whereby Facilitators work with students to assist them to improve their skills in preparing for being successful in their educational pursuits and their careers while living with one or more disabilities. Hence, students are encouraged to negotiate with their instructors directly to organize accommodations that are obvious and easily implemented.

Unfortunately, various students have reported and confirmation has been obtained that demonstrates, in some cases, an unexpected amount of time is spent negotiating accommodations which would normally be implemented after a brief discussion given how widely they are used in academic settings generally given they comport with the requisite academic standard. In addition, it is surprising to learn that Access Centre staff must intervene repeatedly in some situations in order to organize what should be 'pro forma' adjustments and alternative arrangements. These kinds of situations not only create unnecessary tension and anxiety for all concerned but also take time away from dealing with complex cases where workable and effective precedents

have not yet been established. It must also be recognized that I have also observed situations where instructors/faculty members have made extraordinary effort to provide customized accommodations.

It is important to acknowledge, as was observed by Ms. Lisa Rae in 2009 when reporting on the results of her research which evaluated the availability and gaps in services for students with mental illness at 17 Ontario university communities, that there are no clearly identified 'universal' accommodations for students who have a mental illness.¹⁹ As a result, it is crucial to operate on the premise that an accommodation that is suitable for one student will not necessarily be applicable to another student. Also, as there is not as much research and experience with the use of successful learning strategies for people with mental illness as is the case for students with learning disabilities, it may not be readily evident to either the student, the Access Facilitator or the instructor what is appropriate immediately.²⁰ Given the foregoing realities, it often takes more time and communication to determine what is the most appropriate and effective route for successful learning with some mental health conditions. Given the complexity of this uncharted territory, it should only be when accommodations are complex or unusual and the path forward is not obvious that the Access Centre staff should have to become involved in discussions and advocate for a fair and appropriate accommodation. Nonetheless, even within these parameters one can easily see how there would still be differing perceptions on the appropriate time to intervene. Given that reality, I am recommending that:

Recommendation 3:

The Access Centre discuss with each registrant the rationale for and the advantages of direct negotiation between students and instructors/faculty members regarding accommodations and assist them in preparing for such discussions, as is appropriate. However, as disputes are inevitable given that the design of appropriate accommodations is evolving and is both an art and a science, it should also be clearly articulated when the student should ask for and expect that the Facilitator will work directly with the student's school or department.

In addition, to complaints about when Access Centre staff should take a more interventionist role, there were also complaints from students related to difficulties they experienced in interacting with Access Centre personnel. The primary dispute brought to my attention is the disparity between the Access Centre staff's view of what is reasonable accommodation versus the student's view. These kinds of discussions are especially difficult for some students to engage in given their reliance on Access Centre personnel for many services. Specifically, some students fear raising this difference in views given the potential negative impact on their relationship and/or being

¹⁶ Julia Belluz, "The kids aren't all right; millennials are the most stressed teens ever – but they're finding help" *Maclean's Guide to Canadian Universities* (Annual 2011) 56.

¹⁷ Council of Ontario Universities "COU Submission to the Ministry of Health and Long-Term Care, Every Door is the Right Door: Towards a 10-Year Mental Health and Addictions Strategy" (12 March 2010), COU No. 838 4.

¹⁸ Access Centre Facilitators were previously known as Access Centre Counsellors.

¹⁹ Lisa Rae, "University Students and Mental Health: An Assessment of On-Campus Services and the Increasing Pressures Faced by Universities" *Research, Public Policy & Governance Review*, Vol. 1, No. 1, Fall 2009 at 98.

²⁰ *Ibid.*

seen as difficult or unreasonable people. As a result, it should be clearly articulated at the outset of the relationship and in all published material, how and when to seek assistance of the Access Centre Manager in order to resolve this type of dispute. I am not making any recommendations with respect to this issue as my understanding is that Policy 159 "Academic Accommodation of Students with Disabilities" is now under review. Through consultation with all stakeholders, (e.g. faculty/instructors, students, staff, Access Centre staff and as well as content experts), my expectation is that the development of a straight forward protocol for reducing the potential for disputes of this nature, and as well as articulating the most consensual means possible for going forward when disputes can not be prevented or resolved, will be addressed through overall policy revision and Access Centre procedural development.

It has come to my attention on a number of occasions through discussion with both instructors and students that there is a misunderstanding within some departments and schools about the revision to the Undergraduate Course Management Policy (#145) relating to the provision of make-up exams. The misunderstanding that has resulted is the belief that if one make-up exam is provided and the student misses it, regardless of the nature of the circumstances causing the absence, an F grade will result. Clearly, the policy does not provide such direction. Instead the policy explicitly states under "Missing a make-up" at 2.2.9.1 that if a 'make-up' is missed, the situation will be reviewed on a case-by-case basis by the instructor/faculty member to determine how best to proceed. It is also noted that the student may be required to provide additional documentation in order for the exam to be re-scheduled. The Course Management Policy has an additional provision that relates to a 'Final Exam' scenario at 2.2.9.3 that states: "Except where there are verifiable reasons, and the student and instructor have agreed to a rescheduled make-up exam, students who miss a scheduled make-up of a final exam will receive a "0" for that exam." On the face of it, is very difficult to understand how it would be fair to conclude that if advance notice was not provided, and a final make-up exam was missed, that an F would result given the multiplicity of situations that may arise. For example, given the size of the student population, the death of loved one or a cycling, car or pedestrian accident or a severe illness, on the day before or on the day of the scheduled make-up exam, are not out of the realms of possibility. As a result, the circumstances may be such that it is not always possible to re-schedule a make-up of a final exam in advance. I am especially concerned with the perception of 'a one make-up only' rule as it relates to students with disabilities. It seems unreasonable to me that it would not be readily acknowledged that there is a realistic possibility that a student who is ill with a short term disabling condition and misses the regularly scheduled exam may not be sufficiently recovered even with the best of intentions and

medical care by the date of the make-up exam. Similarly, individuals with chronic conditions who anticipate being well enough to proceed at the time when the date of the first or second make-up exam was set, may encounter unexpected or different difficulties which interfere with their ability to write an exam on a particular day, and may have no advance warning of a precipitous change in their health.

In analyzing the complaints that have been received about this situation, it is much more likely for students with disabilities to raise this type of concern. This is not surprising given that many students with disabilities have unpredictable medical conditions. Nonetheless, it also seems reasonable to me that faculty members/instructors should not have to deal with continual re-scheduling given a student's fragile and/or variable medical state. My understanding is that the complexity of these machinations can be substantially reduced by the instructor/faculty member providing the make-up exam to the Access Centre, along with the final date for when the exam must be completed. The Access Centre staff will then take responsibility for re-scheduling if necessary and appropriate based on the student's medical documentation. As other alternatives are available which include recommending the assignment of an Aegrotat grade (AEG) or a retro-active or late drop of a course, or redistributing the marks if it becomes apparent that re-scheduling in a timely manner is not viable, one hopes defaulting to an F grade will never occur when a student can not be present for a scheduled make-up exam due to circumstances beyond their control and the situation is such that advance notice can not be provided.



I am also hopeful that the establishment of a make-up exam centre which was recently approved by Senate (September 2011) will further reduce logistical complexity as it relates to setting up make-up exams.

I have also been advised by a wide variety of students over multiple years that they have been told by instructors/faculty members both in class and privately that if they request a make-up exam, they should expect that the make-up exam will be much more difficult than the original. Clearly, this violates University policy and any semblance of fair play if a student is unavoidably absent for a regularly scheduled exam for a bona fide reason. To date, I have not had the opportunity to confirm whether this type of commentary has actually been made. Given how unreasonable such an action would be, I'm wondering if there has been confusion between the students and the instructors about the situations that have been described to me. For example, perhaps the faculty member/instructor has said something to the effect that writing a make-up exam will be much harder given the passage of time. If such confusion has occurred it is regrettable, as I am aware of many students who have chosen to write regularly scheduled exams when they were very ill as they feared having to write what they perceived to be a much more difficult make-up exam.

Recommendation 4:

That further explanation and clarification of the Course Management policy (Undergraduate) (#145) be provided to all concerned to emphasize that 'the one make-up exam only' notion is an incorrect interpretation of the following policy provisions:

2.2.9.1. Provision of a second make-up: On a case by case basis, a second make-up may be scheduled at the discretion of the instructor. The student may be required to provide a detailed rationale supported by the appropriate documentation for consideration.

[and]

2.2.9.3 Final Exam: Except where there are verifiable reasons, and the student and instructor have agreed to a rescheduled make-up exam, students who miss a scheduled make-up of a final exam will receive a "0" for that exam.²¹



²¹ "Course Management Policy #145" (2011), Ryerson University Senate, online: www.ryerson.ca at 3, 4.

Provost & Vice President Academic's, and Vice President, Administration and Finance's Response

We would like to thank the Ombudsperson for her 2010-11 Report, and we are pleased to see that there has been progress in the areas she identified as concerns last year.

Effects of Responses to the 2009-10 Report's Recommendations

The decrease in complaints about instructor conduct and the establishment of guidelines for graduate students, their advisors and supervisory committees, and graduate program directors, are indeed positive outcomes of the last report.

We join the Ombudsperson in applauding the outcomes of the Fresh Start Program and are pleased that it has had the desired outcome of assisting our students in their educational success.

We would also like to thank the Ombudsperson for her assistance in developing training for impartiality in academic decision making and her participation in training sessions for the Academic Integrity Council and the Senate Appeals Committee.

Responses to the 2010-11 Report

This year the Ombudsperson's report makes four recommendations. The following is our response to these recommendations.

Recommendation 1

(Assignment of Permanent Program Withdrawal to students who are not reinstated after reapplying to the same program twice)

It is agreed that establishing a rule which prohibits a student from reapplying to the same program more than twice would be preferable to assigning an academic standing of Permanent Program Withdrawal. The amendment of the GPA policy to incorporate this recommendation will be brought to the Senate Academic Governance and Policy Committee for its consideration for fall 2012.

Recommendation 2

(Orientation and ongoing training on demystifying disability and accommodation and increasing accessibility)

and

Recommendation 3

(Access Center discussion with students about direct negotiation with faculty about accommodations)

As the report notes, Senate policy 159, Academic Accommodation of Students with Disabilities, is currently

under review. The revised policy will be addressing both of these recommendations. The policy will be clear that accommodation of students is a shared responsibility. In keeping with the spirit of the Accessibility for Ontarians with Disabilities Act (AODA) and the Ontario Human Rights Code (OHRC), the university will strive to make academic programming as accessible to all students as possible, but recognizes that some students with disabilities will require specific accommodation. The policy will clarify when registration with the Access Centre is recommended or required and what the obligations are for faculty, students and the Access Centre. Education of students, faculty and staff is a key component of the policy revision as is the inclusion of a clear mechanism for resolving disputes. It is expected that this policy will be brought to Senate by May 2012 for implementation in fall 2012.

Recommendation 4

(Clarification of the Undergraduate Course Management Policy with respect to the provision of make-up tests and exams)

The Ombudsperson is correct in her interpretation of the policy. While the policy states that a second make-up opportunity need not be provided when a student misses a make-up test or exam, it does clarify that this should be evaluated on a case by case basis, and certainly rescheduling of a make-up is possible when there are verifiable reasons. In the annual memo that is sent regarding the Course Management Policy, faculty will be encouraged to reschedule make-ups when it is clearly warranted. It should be noted that, while not ideal, if a make-up is denied a student may appeal that decision to the department/school.

Again we would like to thank you for your thoughtful submission and for your commitment to Ryerson University.



Alan Shepard
Provost & Vice
President Academic



Julia Hanigsberg
Vice President,
Administration and Finance

Office of the Ombudsperson

Response Times

Every effort is made to respond to all contacts in a timely way. This year we are pleased to report the following performance statistics for this Office:

RESPOND ON THE SAME DAY (EXCLUDING WEEKENDS)	99.5%
RESPOND WITHIN ONE DAY	.5%

CASE COMPLETION TIMES	
CASES CLOSED WITHIN ONE WEEK	87.1%
CASES CLOSED WITHIN TWO WEEKS	4.4%
CASES CLOSED WITHIN THREE WEEKS	3.2%
CASES CLOSED WITHIN FOUR WEEKS	1.1%
CASES CLOSED WITHIN FIVE WEEKS	1.2%
CASES CLOSED WITHIN SIX WEEKS	0.5%
CASES CLOSED AFTER MORE THAN SIX WEEKS	2.5%

Website Activity

The Office of the Ombudsperson website provides FAQs, information and links to frequently consulted policies, procedures, deadlines and contact points at Ryerson, thereby assisting users in acquiring the knowledge they need to solve or prevent academic or administrative problems without ever having to contact our Office directly.

We are pleased to report that a monthly average of 796 unique visitors accessed our website, an increase of 28% over last year. Activity was greatest in the months of May and September 2010 when 1093 and 950 individuals respectively visited the site and viewed a wide variety of different pages.

We track the pages visited and the links followed, as well as the amount of time spent on each of them, in order to analyze what viewers appear to be most interested in so as to increase accessibility to the most useful and relevant information.

We also provide a link to an anonymous online questionnaire where individuals who have interacted with Office can provide feedback on their experience. I would like to express our sincere appreciation to those individuals who have taken the time to provide their assessment and commentary. We make every attempt to use this input to improve our service to the Ryerson community.

In Appreciation

I am very grateful to all of the Ryerson personnel who have responded to our inquiries in a helpful and forthcoming manner. The speed with which respondents have connected with our office so as to engage in a constructive dialogue with a fair result being the ultimate outcome is noteworthy. I would also like to recognize the individuals who bring their concerns to our attention and those who are willing to entertain a variety of points of view on contentious issues as it often requires great courage and an open mind to engage in these kinds of conversations.

I am also very appreciative of the time, energy and commitment of the individuals on the Ombudsperson Committee. These volunteers recognize the independence and impartiality of the Office and offer their input on administrative matters with great generosity and thoughtfulness.

Finally, I would like to recognize Ayesha Adam (Assistant Ombudsperson) and Stephanie Lever (Administrative Support) for their continued dedication to high quality service.

Respectfully submitted,

Nora Farrell, Ombudsperson
Ryerson University



Listening & Learning

10/11