



**Listening  
& Learning**  
2013 / 2014

Annual Report for July 1, 2013 to  
June 30, 2014 for the Ombudsperson  
at Ryerson University

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*Note: The citation style used throughout this report follows the McGill Law Journal tradition.*

## Listening & Learning

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### Introduction

This annual report is a measure of accountability for the Office of the Ombudsperson and provides recommendations for system-wide improvements that flow from the discussion of complaints and concerns and the Ombudsperson's research and observations. In this report we also provide updates on the progress made on previous recommendations and present statistics on the type of concerns and complaints received, the constituencies bringing forward concerns and how complaints are handled on a general basis.

# Essential Characteristics of the Office of the Ombudsperson at Ryerson University (RU)

## CONFIDENTIALITY:

All information provided to the Office of the Ombudsperson is kept confidential, unless the Office has explicit permission for names and/or details to be released and the Office considers it to be appropriate to do so.

## IMPARTIALITY:

The Office of the Ombudsperson considers all of the information it receives and collects with the highest degree of objectivity. The ultimate aspiration of the Office of the Ombudsperson is to ensure that everyone involved believes their perspectives have been understood and considered and that they have been treated **fairly**.

## INDEPENDENCE:

The Office of the Ombudsperson and staff operate independently of the University, including all administrative and academic structures and student government.

## Testimonials

“The Office was kind, considerate, helpful, knowledgeable. Overall, I felt that this could not have been handled better or faster.”

## Modus Operandi of the Office of the Ombudsperson at RU

### INDIVIDUAL CASE WORK

- discussion about concerns or complaints;
- review of relevant options and assist in the assessment of options so that the student can decide in an informed manner what are viable routes for going forward;
- assist with 'reality testing' of expectations for a resolution or a response;
- coach people on how to approach the resolution of a dispute in a kind, calm and respectful manner;
- if a student has tried to resolve a problem and not been successful and it appears there is a gap in information or a possible misunderstanding we may call to seek clarification;
- if an opportunity for a mutually satisfactory and fair outcome emerges we may engage in shuttle diplomacy or mediation;
- if it becomes evident there is no other means to resolve the situation and the student has identified concerns that relate to fair treatment, process or outcome, we may initiate a fairness review to investigate what has transpired and determine if the University has acted fairly.

### SYSTEMIC AND SYSTEM-WIDE ANALYSIS

- review concerns and complaints to identify common trends;
- analyze individual complaints to see if they are indicative of a potential systemic or system-wide concern.

### PREVENTATIVE ORIENTATION

#### *Online presence*

- detailed information available on website on how to access policies, procedures and relevant forms and explanation of the routes available for addressing all manner of concerns and complaints.

#### *Consultation*

- consult on policy development;
- consult on University training initiatives and lead training developed and offered by the Office of the Ombudsperson.

## Progress Made by RU on the Ombudsperson's 2011/2012 Recommendations Accepted in 2012

### RETROACTIVE OR LATE DROPS

- 1) Recommendations 1 - 3 have now been implemented fully. That is to say, the retroactive and late drop process is now clearly communicated to all members of the RU community via detailed information on the Registrar's website. This is an important advancement as previously, detailed information about this process was not available to students.

### GRADUATE STUDENT/ACADEMIC SUPERVISOR DYNAMICS

- 2) Recommendations 4 - 7 have received ongoing attention with additional training and tools being provided in support of effective graduate student/academic supervisor relationships. Notably, the recent introduction of the Student-Supervisor Discussion Checklist will be a useful organizing framework for effective communication between graduate students and their supervisors.

### RECOGNITION OF THE CURRENT STUDENT REALITY WITHIN THE UNIVERSITY POLICY & PROCEDURE FRAMEWORK

- 3) Recommendation 8 has not yet been implemented as planned. In response to the Ombudsperson's 2011/2012 report RU advised that community wide consultations were initiated on the following policies:
  - *Undergraduate Academic Consideration and Appeals Policy* #134
  - *Examination Policy* #135
  - *Course Management Policy* #145

The next step envisioned by the University was for the feedback received from various consultations to inform an integrated policy review. To date, this highly desirable integrated policy review has yet to be initiated. However, I am aware that some research has been done to inform this review process. While recognizing the immensity of the task, I am encouraging the University to establish imminent time lines for the review of the three aforementioned policies as well as the *Graduate Student Academic Appeals Policy* #152 which was last reviewed and approved by Senate seven years ago in 2007 as well as the *Scholarly Research and Creative Activity (SRC) Integrity Policy* #118 which was slated for review in Fall 2013. The University's

stated desire to conduct policy reviews in such a manner that the process of doing so "...will help reinforce the principles of fairness and mutual respect, that underlie these policies and ensure these policies are infused in a holistic and consistent fashion."<sup>1</sup> is laudable and deserves further attention. Given the wide exposure we have to concerns and complaints related to the matters that fall under the aforementioned policies, I am convinced that a well-organized policy review process that results in clearly articulated expectations for instructors and students in these important areas of shared endeavour will further advance the academic enterprise.

## Progress Made by RU on the Ombudsperson's 2012/2013 Recommendations Accepted in 2013

### RECOMMENDATION 1:

The selection criteria used for choosing Academic Integrity Council (AIC) and Senate Appeals Committee (SAC) committee members along with the process used, that is, how applications are solicited and who assesses them in order to choose the successful candidates and when this occurs, be posted on the Academic Integrity Office and Senate websites.

### STATUS UPDATE:

I have been advised that the selection criteria are being reviewed and that the new recruitment and selection process will be put into effect in February 2015 for the SAC members. As the review of the *Student Academic Code of Conduct Policy* #60 has not yet been completed and the resultant appeal mechanism finalized, no recruitment has been done for additional AIC members. I am confident based on the conversations I have had with the Secretary of Senate and the Director of the Academic Integrity Office that the spirit of the recommendations will be implemented in 2015 regardless of the format used for decision-making for appeals of academic misconduct findings.

<sup>1</sup> Ombudsperson at Ryerson University <<http://www.ryerson.ca/ombuds>> at p. 7 'University's response'.

# Compliments

## RECOMMENDATION 2:

That the Secretariats which support the Academic Integrity Council and the Senate Appeals Committee make a concerted effort to see that the composition of Panels reflect a broad range of social demographics, including but not limited to gender, race, mobility, socio-economic and ethnic diversity. In making this recommendation I would like to emphasize that I am not casting aspersions on the qualifications and capacities of those who currently provide exemplary service to the University community as Panel members. Rather I would like this recommendation to be seen as an opportunity for encouraging others to make a similar contribution and to provide for the greatest possibility for the composition of Panels of decision-makers which are reflective of the Ryerson student body.

## STATUS UPDATE:

It has been confirmed that every effort is being made to compose diverse Panels when AIC and SAC Panels are assembled for hearings.

## RECOMMENDATION 3:

That until the *Course Management* policies are reviewed an advisement be provided to all those who are responsible for making decisions about the re-scheduling of additional make-up exams, explaining the requirement to ensure that discretion is being exercised fairly given the individual circumstances and such that the *Course Management* policies (Policy 145 and 151) are implemented properly and in a manner that is consistent with *Academic Accommodation of Students with Disabilities* (Policy 159).

## STATUS UPDATE:

It has been confirmed that the Secretary of Senate has advised all academic decision-makers of the importance of implementing the *Course Management* policies in a fashion that does not disadvantage students who are not able to attend at a scheduled make-up exam due to no fault of their own.

## Compliments

### SAFE-KEEPING OF PERSONAL EFFECTS

I would like to commend the action taken by RU to ensure safe-keeping of students' valuable items while final exams are in progress in additional areas of the University. In the past, the use of clear plastic bags to store students' materials in a safe manner while writing final exams was used only in the Metro Toronto Convention Centre and Kerr Hall. This very useful initiative has now been expanded to the exam writing space in all other areas of the University via the leadership of the Secretary of Senate. This is a huge undertaking from an administrative perspective and should not be underestimated in terms of the long and short-term planning required for ensuring all necessary supplies are available to instructors and students through the setting up of six distribution centres. The strategic and preventative nature of the expansion of this initiative is praiseworthy for a wide variety of reasons, most notably, the safe storage of students' personal effects while writing final exams and the contribution to the prevention of academic misconduct.

### CLARITY OF COMMUNICATION

I would also like to commend the Registrar's Office for reviewing all of the hundreds of template letters it sends out to students in an effort to increase ease of understanding of the subject matter, clarity of impact and potential next steps. As this is a major undertaking given the volume and diversity of such correspondence, the amount of time and acumen dedicated to this task should not be taken lightly. For obvious reasons, the benefits that can accrue from well crafted, easy to understand communication on complex issues are noteworthy.

## Recommendations Flowing from Concerns and Complaints (2013/2014)

### THE EXERCISE OF DISCRETION

In analyzing the complaints we have received this past service year a distinctly identifiable theme has emerged with respect to the multiplicity of ways that discretion is understood and exercised in both the administrative and academic milieux. To ensure a common understanding of the terms under discussion, the definition of the ‘exercise of discretion’ that I am relying on is the authority and responsibility an individual has to make a decision to act or not, to approve or not, or to approve a request with some form of conditions. This kind of responsibility requires decision-makers in whatever area they work, in the absence of clear policies or guidelines, to make a judgment by considering all of the relevant information.<sup>2</sup> The exercise of discretion comes into play in the RU context where a policy makes specific reference to the decision-maker’s discretionary responsibility; or when policy or procedural guidelines are not in place; or, where it is impossible for the guidelines or policy to be so all encompassing so as to anticipate and provide for the situation that has arisen. In exercising discretion decision-makers have the opportunity to demonstrate flexibility, responsiveness and creativity as is appropriate to the situation under review. At the same time the decision-maker must also guard against acting arbitrarily or unjustly.<sup>3</sup>

The types of issues that have been brought to our attention that relate to discretionary decision-making include when to ‘triage’ a matter and deal with it ahead of others of a similar nature that are already in the queue; when and how to modify a procedure given unanticipated circumstances; whether to extend a deadline; whether to accept a student’s verbal or written explanation, medical certificate or other forms of documentation for use in determining if consideration is warranted; the criteria used to determine eligibility of courses completed at other institutions of higher learning for use as transfer credits; criteria used for course substitution and challenge credit requests; provision of refunds; removal of late fees, etc.

To reinforce how frequently the responsibility and authority to exercise discretion may arise within the RU context, it is worthwhile to keep in mind that hundreds of RU policy and procedure documents contain language like “...at the discretion of” or “in the sole discretion of” etc. In many of the areas that we have been

involved one of the common threads that arises is that there does not appear to be an easily understood and transparent framework in place for demonstrating how the individual exercising discretion has arrived at the final outcome. Specifically, in some instances the decision to deny a benefit or request is made on the basis of reasons that are unknown to the student making the request. When the student asks for the rationale that informed the decision, she is told that it is a ‘discretionary’ decision and as such, there is no requirement to provide reasons. As the exercise of discretion should be easily defensible given that it cannot be driven by personal views, predispositions or preferences, it should be obvious to all concerned that a fair decision has been made as a result of the explanation provided to the person seeking assistance. Therefore, an unwillingness or inability to provide reasons is inconsistent with the basic elements of fairness when a decision is left to the decision-maker’s discretion.

Some examples that arise repeatedly as a result of the following excerpt from the *Course Management Policy* #145<sup>4</sup> can be readily identified from the highlighted passages:

#### 2.2.9 Missing a Make-up

##### 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 **appropriate documentation** for consideration.

**In this short passage alone there are three easily identifiable opportunities for the exercise of discretion separate and apart from the actual insertion of ‘at the discretion of the instructor’.**

For example, by the use of the term ‘may’ the instructor first has to decide whether to proceed with the scheduling of a second make-up exam with or without the provision of a detailed rationale. One can easily think of an example where a rationale would not be required: the student falls and breaks a limb in the hall way before the exam begins and Emergency Medical Services attend at the scene and the student is transported to hospital via ambulance. In different circumstances, if the instructor decides a rationale is required, he has to determine what level of ‘detail’ is sufficient and then as reference is made to ‘appropriate documentation’ a further determination has to be made as to what is ‘appropriate’ to the particular situation. Conflicting examples of what would be considered to be appropriate abound. For instance, is a hospital

<sup>2</sup> “GUIDELINES Exercise of discretion in administrative decision-making” (October 2009) online: Ombudsman for Western Australia <[www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au)>.

<sup>3</sup> Michael E. Manley-Casimir, “A Case Study of Discretion in School Discipline” in *Administrative Discretion in Education*, eds., Michael Manley-Casimir & Alesha D. Moffat (Calgary: Brush Education Inc., 2012) at p.49.

<sup>4</sup> Please note that the while the language shown is excerpted from *Course Management Policy* #145 which applies to undergraduate and continuing education students, the language used in the *Yeates School of Graduate Studies Course Management Policy* #151 is very similar for mid-term tests or equivalent for this context.

report prepared by an emergency room nurse suitable to document an emergency visit and treatment? Some decision-makers will say the student must present the RU Medical Certificate signed by the treating physician. It is important to remember that insistence on the RU Medical Certificate as being the only satisfactory form of documentation is not acceptable as a beginning point for this analysis as the academic consideration and appeals policies also allow for a report on a physician's (undergraduate and CE students) or regulated health professional's (graduate students) letterhead. Nonetheless, regardless of the format used, the question remains: is it always reasonable to require a physician's signed report when a undergraduate or continuing education (CE) student presents documentation? For instance, it is worthwhile to think about a scenario whereby the student is being assessed and treated by a resident or a visiting specialist who leaves the hospital prior to the student being discharged and there is no opportunity for the student to request a signed medical certificate or report. In this kind of circumstance should the nurse's note suffice or should the student be required to obtain a medical certificate or report signed by the treating or a different physician?

Within the same policy another example rife with discretionary opportunities can be found in the following section:

**2.2.9.2 Mid-term test, assignment or assessment during the semester:** If a student misses a scheduled make-up of a mid-term, assignment or other assessment for **verifiable reasons**, the grade **may** be distributed over other course assessments even if that makes the grade on the final exam worth more than 70% of the final grade in the course.

If a student misses a scheduled mid-term make-up test or assignment, without a **verifiable reason**, a grade of "0" **may** be assigned.

**2.2.9.3 Final exam:** Except where there are verifiable reasons, and the student and the 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.

These four highlighted words and phrases demonstrate that the instructor has a choice as to how to proceed with a re-weighting arrangement that differs from the policy-protected 70% maximum weight for a final exam as well as for various interpretations of what constitute 'verifiable' reasons to arise.

To make the exercise of discretion even more challenging it is also important to recognize that a decision-maker cannot fetter or unnecessarily limit her discretion. An example of fettering one's

discretion is to say "In our department only one make-up exam is allowed regardless of the circumstances" or "I never give extensions for any reason." Obviously this is not only an incorrect reading of the aforementioned *Course Management* Policy statements and standard academic consideration and appeals policy language, it is also a good example of 'fettering' or limiting discretion. A blanket procedural directive that says 'one make-up exam only' by definition contradicts the notion of the individual instructor's responsibility to fairly exercise discretionary authority based on the individual circumstances of the student who missed the make-up exam. Once again, a reasonable person can think of a number of 'verifiable' reasons: a death in the student's family the night before the scheduled make-up exam or being concussed en route to the exam due to an accident. Similarly, stating "no extensions will ever be given" is wholly fettering or limiting the proper exercise of discretion.

Another example of fettering one's discretion is to say "I treat everyone exactly the same therefore I am being fair to everyone." Once again, it is never fair to treat everyone the same unless you are dealing with a homogenous group of people who are dealing with exactly the same issue and for whom the impact will be the same. The reality of the RU community is that it is the opposite of homogenous as it has the great good fortune to have attracted a diverse student body with a wide variety of socio-demographic characteristics. Therefore, to deny an extension to a parent of three young children who have all been ill for a week and demanded constant care, or to the student who is the care giver for a terminally ill parent who had a particularly difficult weekend, or a student whose home life is extraordinarily chaotic and was recently evicted, without taking into account these individual students' unique circumstances, is profoundly unfair as it relates to the proper exercise of discretionary authority and responsibility.

The *Yeates School of Graduate Studies Course Management Policy #151* provides an institutional example of the fettering of discretion in the use of the highlighted wording. Please note that the policy language cited below is perfectly acceptable until the final highlighted sentence is read:

**3.5** Students who miss a final exam with the appropriate advance notification and/or documentation and who cannot be given a make-up exam prior to the submission of final course grades, must be given a grade of INC, and a make-up exam (normally within two weeks of the beginning of the next semester) that carries the same weight and measures the same knowledge, must be scheduled. **If a student misses a scheduled make-up exam, a grade of zero will be assigned.**



Clearly, a reasonable person would not automatically assign a grade of zero for a missed scheduled make-up exam if the student was unavoidably absent due to a death in the family or illness due to disability or accident or any of the reasons cited earlier. While it is not my experience that this kind of action is the default position, the fact that the wording is presented as it is in the actual policy document is a classic example of fettering discretion.

The foregoing discussion demonstrates that all fair discretionary decision-making must be transparent, evidence-based and objectively considered using a defensible rationale that would apply to others that are similarly situated. In every instance easily understood reasons must be provided in order for fairness to prevail. Hence, the reasons provided for the discretionary decision should plainly articulate the evidence taken into account, the weight it was given and the analysis undertaken by the decision-maker.

**RECOMMENDATION 1:**

RU should explain to all RU personnel through the use of explicit policy language and through all regular communiqués relating to the preparation of course outlines and proper interpretation of RU policy as well as at regular professional development opportunities, how to make decisions fairly when exercising discretion. For ease of reference, I am providing the following list of principles that form the foundation for fair discretionary decision-making below:

- Act in good faith and for a proper purpose;
- Decisions should reflect the values espoused by the University or of the profession involved, not personal values;
- Comply with any relevant law or policy that applies;
- Consider only relevant information and ignore irrelevant material;
- Determine what grounds or guidelines will be used to make the decision;
- Make decisions based on supporting evidence;
- Give proper consideration to the merits of the case;
- Provide the person affected by the decision with the opportunity to speak to the situation prior to making your decision if you are taking into account evidence that is not already known to this person;
- Make an independent decision and do not follow the direction of a third person or body.

Once the decision is made, reasons must then be provided to those affected by the decision.<sup>5</sup>

<sup>5</sup> *Supra* note 2 at “How should decision-makers exercise discretionary powers?” and “Ten key steps to be considered when exercising discretion”.

## The Double Standard

I will provide four examples of recurring situations where students are held to a standard that RU personnel are not held to in identical situations.

**EXAMPLE 1: DEADLINES FOR SUBMISSIONS WITHIN THE ACADEMIC STANDING AND GRADE APPEAL PROCESS**

The norm is for the student submission deadlines to be rigidly adhered to by all parties who receive this kind of application. There is very little flexibility afforded to appellants in the vast majority of circumstances and for the most part, for good reason, that being, the appeal submission deadlines are advertised widely and this information is provided well in advance of the deadline in many different modalities. However, it is not at all uncommon for respondents not to meet deadlines for providing academic grade and standing appeal decisions even though the applicable policies definitively state that the decision must be issued within a particular time frame, such as five (for undergraduate and continuing education students) or ten (graduate students) working days (or if not possible due to extenuating circumstances, the student must be contacted and advised of the need for an extension). These deadlines for the provision of responses are also communicated in advance to all decision-makers. However, given the complexity of a matter under review or due to unexpected personal complications, there may be very good reasons for why a respondent may not be able to meet a deadline within an appeal process and this contextual information should inform decisions about the need for an extended response time. Collaterally, I would argue the willingness that infuses the flexibility on extensions for deadlines for academic decision-makers should also apply to student appellants’ requests for extensions, when circumstances warrant doing so. It should be clear to all that it is unacceptable to slavishly adhere to deadlines if valid circumstances prevent them from being met regardless of who is asking for an extension.

## EXAMPLE 2: RESPONSIBILITIES FOR PROVISION OF INFORMATION FOR THE FINALIZATION OF INCOMPLETE (INC) GRADES

*Policy on Undergraduate Grading, Promotion and Academic Standing: ("the GPA policy") #46* for undergraduate and CE students is very clear as to the instructor's and student's responsibilities as explained in these excerpts:

...The outstanding work or alternate examination must be completed by a specified date within 3 months of the submission of the INC unless alternative arrangements have been made with the program's Chair/Director....

\* Students must petition their instructor to receive an INC grade within 3 working days, or as soon as reasonably possible, of the missed final examination or final assignment deadline. Supporting documentation (e.g. Ryerson Medical Certificate) must be provided. Instructors awarding an INC grade must provide the student, within 7 working days, with a written statement of outstanding work to be completed and the date by which it must be completed (or the date of the alternate final examination). The instructor must file a copy of this documentation with the Chair/Director of the Teaching Department/School.

In my experience the detailed information shown above in highlighted text is rarely provided to the student with the exception of some schools and departments that have put in place what is called an 'INC' form. This form is then used to set out what must be completed and by when. However, this is not the norm across the University.

Nonetheless, it is not uncommon for some undergraduate and CE students to be told when the INC grade turns into an F after the three month deadline, that it was their responsibility to ensure the grade was finalized prior to this point. However, no information was provided directly to the student that a deadline of this nature existed and when the final assignment was due or when the final exam would be scheduled. In addition, it is my experience that it is not commonly known that if the student's medical or personal situation was such that the three month time frame could not be met, the Program Director or Chair had the authority to extend the INC grade. In some cases, given the nature of the circumstances, the extension of the INC is the most appropriate and fair route with regard to next steps. Nonetheless, it should be noted that the requirement to complete whatever work is remaining within three months is explicitly stated as shown above in the GPA Policy #46 if a student knew to look there for this type of information.

In comparison the *Yeates School of Graduate Studies Course Management Policy #151* is emphatic that it is the graduate student's responsibility to acquire the documentation detailing the instructor's expectations from the Graduate Office as is evident from the highlighted sentence showing below:

**3.11** The assignment of an incomplete grade (INC) normally follows discussion between the faculty member and student concerning the work to be completed and the relevant due date(s). To confirm arrangements that are already mutually understood or to provide the necessary information where prior consultation has not taken place, the faculty member will complete the official INC form that specifies the work to be completed and the due dates. Copies of this INC form must be submitted to the graduate program office, which will in turn provide a copy to the student. It is the student's responsibility to follow up with the graduate program office if a copy is not received. The due date set by the faculty member will be no later than the end of the following semester, but will normally be earlier than this.

It seems eminently reasonable that all instructors (or in the instructor's unavoidable absence, the Chair or Director) would be held responsible for communicating to the student what has to be done and by what date in writing, shortly after assigning an INC grade and that students would be held to fulfilling these requirements in the time frame provided unless extraordinary circumstances arise. If extraordinary circumstances arise it is the student's responsibility to seek additional assistance from the instructor and/or the Chair/Director.

### EXAMPLE 3: THREE WORKING DAYS DEADLINE FOR SUBMITTING DOCUMENTATION IN SUPPORT OF ACADEMIC CONSIDERATION

It is articulated in the *Undergraduate Academic Consideration and Appeals Policy* #134 and *Graduate Student Academic Appeal Policy* #152 that students are required to advise instructors in advance, when possible, of circumstances affecting their ability to attend at an exam or meet a submission deadline due to medical or compassionate reasons. It is then stated that documentation justifying the absence must be provided within three working days of the missed exam or deadline. In addition it is also explained that if such action is not possible, due to extraordinary (for undergraduate and CE students) or exceptional (for graduate students) circumstances, students are expected to provide supporting documentation as soon as is reasonably possible. Notwithstanding the aforementioned caveat, I have seen many requests for consideration denied as the student was not able to meet the three working days deadline even though the circumstances were decidedly unusual or extraordinary or exceptional and the student had supplied detailed information as to why this time frame could not be met. Emergency medical care and subsequent hospitalization is the most common example we see of exceptional or extraordinary extenuating circumstances.

The refusal to extend the three day time frame for submission of documentation for inescapable extraordinary or exceptional circumstances would never be acceptable in any other circumstance where an individual is hospitalized or otherwise unavoidably indisposed as it would be deemed to be unreasonable not to consider the particular circumstances. Hence, it is unfair to hold students to a rigid time frame and not to allow for a longer time frame for submission of both the request for accommodation and the appropriate documentation when individual circumstances warrant doing so.

### EXAMPLE 4: TIMELY RESPONSES TO REQUESTS FOR INFORMATION AND/OR ASSISTANCE

Students frequently provide email correspondence that demonstrates they contacted an administrator or an instructor in a timely way in order to seek advice or assistance. In some instances, the query is not responded to within one, two or even three working days, or in the most extreme cases, ever. In these instances, we advise the student to contact the School/Department/Program Chair or Director for assistance in making contact with the instructor or the Manager of a Unit or Department if it is an administrative

matter. If these overtures are not successful, depending on the circumstances, we may contact the instructor or the Chair/Director or the relevant administrator. As is evident from the examples provided above with respect to appeal submissions, INC grade rehabilitation and submission of documentation for medical or compassionate reasons, students typically are held to published time frames. It is only rational that University personnel should also be held to even-handed time frames for responding to reasonable requests from students for information or assistance. In these kinds of instances, the need for multiple follow-ups and the attendant anxiety could have been avoided if the instructor or administrator had simply acknowledged receipt of the email in a timely manner and made arrangements for an email response or telephone or face-to-face discussion at a later date. Outside the student/instructor or student/administrator dyad it would not be acceptable for a University administrator's response to an instructor or staff member to be delayed for an extended period of time or ignored.

Please note that I am emphasizing 'reasonable' requests from students as I am aware that some students unrealistically expect an immediate response after sending multiple emails, whether they be sent in the middle of the night, on weekends or during periods when the University is closed. Clearly, this is an unreasonable, unrealistic and unfair expectation on the part of the student. It may also be unreasonable for a student to expect a response to be provided in email format if the matter is particularly complex.

### RECOMMENDATION 2:

When orienting new staff and instructors and as a part of ongoing professional development, every effort should be made to emphasize the expectation that students' requests for extensions or assistance are treated with the same level of respect as those of staff and instructors; are evaluated on an objective basis and responded to in a timely manner at a level that is commensurate with reasonable response times given the circumstances.

## Example of a System-Wide Review Undertaken by the Office of the Ombudsperson at RU in the 2013/2014 Service Year

### **SUMMARY: A FAIRNESS REVIEW WAS CONDUCTED IN RESPONSE TO COMPLAINTS ABOUT THE LENGTH OF TIME IT TOOK FOR ACADEMIC INTEGRITY COUNCIL (AIC) HEARINGS TO BE SCHEDULED.**

We reviewed 66 appeal files handled by the Academic Integrity Office (AIO) that were submitted from January 1 - October 21, 2013. In preparing for the review we were told that the usual amount of time for a hearing to be booked after the appellant's submission is received is six weeks. However, the data demonstrated that it was only in 29% of the cases (when working days are adjusted to take into account holiday periods) that the hearing was scheduled in that time frame. Alternatively stated, it took longer than six weeks to schedule a hearing in 71% of the cases. More specifically, 23% took between six and eight weeks; 38% took between eight and twelve weeks and ten percent took more than twelve weeks. Therefore, the impression of the time frames involved for scheduling hearings was not consistent with actual time frames. Our original hypothesis was that the length of time involved was related to the difficulty of finding sufficient Panel members to populate a Panel as that was the reason provided by the AIO to a number of the appellants who contacted our Office about delay. However, as we did not have enough information as to the influence of all of the potential variables in play, we are not able to provide an opinion as to the rationale for why it took longer than six weeks for the majority of the hearings to be scheduled overall.

It is also worthy of comment that while this review was focused on the length of time it takes to schedule a hearing from when the appeal is submitted, it is valuable to keep in mind that the appellant and the respondent are likely thinking of the time frame as beginning from the date of the Facilitated or Non-Facilitated Discussion. Given the discussion of the suspicion of academic misconduct is the beginning of the process from the instructor's and student's perspectives, this vantage point deserves consideration as well. The data revealed that time spans ranged from highs of 113, 97, 93, 80 working days to lows of 28, 34, 37, 38 working days from when the original discussion of the suspicion

took place to the date of the appeal hearing. However, it must be kept in mind that it may be either or both the appellant and the respondent's schedules that are responsible for the extended time frame as well as variables that are beyond the control of both the appellant and the respondent and the Academic Integrity Office. Nonetheless, whatever the reason for the length of time it takes to schedule hearings, accurate information should be provided to the affected parties as to how long it will likely take to schedule an AIC hearing so that those affected can adjust their plans and expectations accordingly.

All of the specific recommendations put forward were accepted by the AIO and the following progress has been made:

- 1) Better record-keeping has been implemented to explain the rationale for the length of time taken to schedule hearings.
- 2) A protocol has been developed and implemented in order to ensure respondents' submissions are received within the required time frame and if circumstances prevent that from occurring, the rationale is noted on the file.
- 3) An automated mechanism for tallying the length of time it takes for a hearing to be scheduled so as to provide accurate information to appellants and respondents will be implemented by the end of 2014. This metric will also be used for comparison purposes on a year-over-year basis.
- 4) Resources have been allocated to retain a staff person whose primary responsibility will be the scheduling of AIC and SAC hearings. This individual will also maintain the data base that will allow for better tracking of relevant metrics for the AIO.

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

## PROGRESS ON PREVIOUS RECOMMENDATIONS

We are pleased to see that there has been progress in the areas you identified as concerns in your 2012-13 report. Regarding Recommendations 1 and 2 from 2012-13, the selection criteria and process for recruiting Academic Integrity Council (AIC) and Senate Appeals Committee (SAC) members will be implemented and posted online as suggested; the University will also continue to make every effort to ensure that the composition of committees reflect a broad range of social demographics. The timeframe for recruiting SAC members will be slightly delayed from February to March/April 2015. The AIC recruitment will commence in a similar fashion pending the outcome of the Policy 60 review process, which is expected by June 2015.

Regarding Recommendation 3, academic decision-makers received an email from the Senate Office on November 7, 2014 detailing the policy and procedure for dealing with makeup exams and related issues. This information will continue be distributed in other formats as well, including start-of-term communications regarding course outlines.

We join you in recognizing the success of the University's initiative to help students protect their personal items by providing security bags for final exams in an increased number of locations – with plans to expand this to midterm exams in 2015-16 – and to the significant undertaking by the Registrar's Office in their review of the template letters they send to students to ensure clearer, more effective communication.

## RESPONSES TO THE 2013-14 REPORT

There are two recommendations in this year's report along with a system-wide review you conducted on the response time to schedule hearings with the AIC. Our responses follow:

### RECOMMENDATION 1.

“RU should explain to all RU personnel through the use of explicit policy language and through all regular communiqués relating to the preparation of course outlines and proper interpretation of RU policy as well as at regular professional development opportunities, how to make decisions fairly when exercising discretion.”

*The University understands the Ombudsperson's concern regarding the exercise of discretion in decision making across departments and faculties. Several policies include explicit wording that provides decision makers with discretionary authority, and in some cases there is no guidance from a particular policy to solve a particular issue, so discretion is required. As stated previously, the issue of makeup exams is especially challenging, and efforts are already underway to offer more specific wording in annual communications to instructors on the challenging issue of repeated makeup opportunities for students with verifiable reasons for missing earlier dates. The issue of discretion in decision making is expected to be a major factor when the Undergraduate and Graduate Course Management policies that address makeup exams (#145 and #151, respectively) come up for review in the coming year. In addition, training for SAC members, AIC members, and designated Department/School and Faculty appeal decision makers will continue to emphasize the role of discretion in those contexts.*

### RECOMMENDATION 2.

“When orienting new staff and instructors and as a part of ongoing professional development, every effort should be made to emphasize the expectation that students' requests for extensions or assistance are treated with the same level of respect as those of staff and instructors; are evaluated on an objective basis and responded to in a timely manner at a level that is commensurate with reasonable response times given the circumstances.”

*The University recognizes that it is important to treat students' requests with respect. Several policies include specific timeframes to which students, faculty members, and administrators are typically held, but sometimes circumstances arise that make it difficult to meet those timelines; many policies have provisions for all parties to request extensions in exceptional circumstances. Whether or not it is appropriate to grant such requests in a particular case relates to discretionary decision-making and hence, our follow-up response to Recommendation 1. At the same time, the University will endeavour to address the general issue of fairness regarding students' requests for extensions. Two types of deadline extensions discussed in the 2013-14 report – submitting medical documentation in support of requests for academic accommodation and submitting appeals – will be addressed directly in upcoming reviews of relevant policies. Efforts are also underway to explore the process of how Incomplete (INC) grades are assigned across the University, and the University will continue to communicate to instructors and staff the importance of timely responses to students for information and/or assistance.*

## SYSTEM-WIDE REVIEW: COMPLAINTS ABOUT THE LENGTH OF TIME IT TAKES FOR ACADEMIC INTEGRITY COUNCIL (AIC) HEARINGS TO BE SCHEDULED

*The system wide-review undertaken by the Ombudsperson of the length of time it takes for an AIC hearing to be scheduled is one of the key processes in administering Senate Policy #60 – the Student Code of Academic Conduct. In this respect, the University agrees that timeliness is vital to ensure fair application of the policy and it also recognizes that the Academic Integrity Office (AIO) works proactively and collaboratively with units across campus to ensure that Policy 60 is administered effectively in support of a culture of academic integrity at Ryerson.*

*The review indicated that during January 1-October 31, 2013, 71% of AIC hearings were scheduled more than six weeks after an application to appeal had been submitted<sup>1</sup>. The timelines are even more extended if the files are tracked from the date of the Facilitated Discussion (FD) or Non-Facilitated Discussion (Non-FD).*

*The length of time that passes between submission of an appeal and the subsequent hearing is a function of numerous factors. These may include the schedule of the student(s); the schedule of the respondent(s); the availability of the three AIC panel members (two faculty members and a student); the schedules of witnesses who may be called by the student or respondent; and factors which are beyond the control of appellant, respondent, or the AIO.*

*The AIO is aware of the challenges in scheduling AIC hearings and as noted, a number of steps have already been taken to shorten timelines: better record keeping, a new protocol, and a staff person hired with the primary responsibility to schedule AIC and SAC hearings. A “triage” system has also been implemented within the AIO to prioritize the sequence of hearings. This responds to the reality that process delays may have more profound consequences in some cases than in others. Pending completion of the review of Policy 60, an automated process for tallying the length of time it takes for a hearing to be scheduled will be implemented in order to allow year-over-year comparisons.*

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



Mohamed Lachemi  
Provost and Vice President,  
Academic



Janice Winton  
Interim Vice President,  
Administration and Finance

<sup>1</sup> Policy 60 does not specify a timeline for processing appeals; six weeks is an unofficial target for the AIO.

# The Year in Numbers

## Types of Concerns 2013/2014

	13/14	12/13	11/12	10/11	09/10	08/09	07/08	06/07	05/06
<b>TOTAL</b>	<b>483</b>	<b>593</b>	<b>617</b>	<b>571</b>	<b>579</b>	<b>586</b>	<b>558</b>	<b>606</b>	<b>573</b>
ACADEMIC ADVICE <sup>6</sup>	133	192	177	138	104	103	92	106	71
ACADEMIC APPEALS <sup>7</sup>	95	102	103	107	169	158	142	165	137
ACADEMIC MISCONDUCT	41	49	61	70	65	83	64	57	37
ACCESSIBILITY	18	27	25	33	10	12	11	5	8
ADVANCEMENT & DEVELOPMENT	0	0	0	1	0	0	0	1	1
ADMISSIONS (UNDERGRADUATE)	20	20	11	17	10	15	25	35	28
ADMISSIONS (GRADUATE)	3	4	5	4	5	6	5	4	
ANCILLARY SERVICES	1	1	2	1	1	0	1	1	2
CAMPUS PLANNING & FACILITIES	2	0	3	0	1	0	0	2	2
CONDUCT – INSTRUCTOR	51	62	53	57	78	43	42	45	60
CONDUCT – STAFF	8	8	8	13	14	12	11	12	21
CONDUCT – STUDENT	4	4	8	9	4	7	9	11	15
CONFIDENTIALITY	3	0	0	4	5	1	0	3	1
CONVOCATION & AWARDS	0	0	0	0	0	1	1	N/A	N/A
CURRICULUM ADVISING <sup>8</sup>	4	11	3	7	7	11	18	17	23
ENROLLMENT SERVICES	17	29	45	24	37	41	35	44	55
EXCHANGE PROGRAMS	0	0	0	0	1	0	0	0	0
FEES	27	14	21	7	7	20	24	18	30
FINANCIAL ASSISTANCE	16	18	20	16	9	15	13	14	11
INFORMATION REQUESTS – NO COMPLAINT	3	1	5	2	7	4	9	7	10
LIBRARY	1	0	4	2	2	1	1	1	1
OUTSIDE JURISDICTION	9	13	13	13	8	13	9	7	10
PRACTICUM/PLACEMENT (ADMINISTRATION & AVAILABILITY)	5	9	11	4	2	7	9	11	5
REINSTATEMENT/READMISSION	6	11	14	27	17	15	26	25	25
RESIDENCE	0	2	1	3	7	4	3	2	3
SAFETY & SECURITY	3	2	5	2	1	2	3	5	3
SPORTS & RECREATION	0	2	0	1	0	0	1	1	0
STUDENT MEDIA	0	0	0	1	0	0	0	0	0
STUDENT SERVICES <sup>9</sup>	6	6	8	4	1	2	2	2	3
STUDENT UNIONS/ASSOCIATIONS	7	5	8	3	5	8	2	4	9
TEAM WORK	0	1	3	1	2	2	0	1	2

<sup>6</sup> This category includes concerns regarding not being able to easily access academic advice from a knowledgeable person.

<sup>7</sup> Includes Grades and Academic Standing.

<sup>8</sup> Including Transfer Credits and Challenge Credits.

<sup>9</sup> Including application of *Student Code of Non-Academic Misconduct*.

## Status of Individuals Bringing Forward Concerns & Complaints

	13/14	12/13	11/12	10/11	09/10	08/09	07/08	06/07	05/06	04/05	03/04
<b>CONSTITUENCY</b>											
ALUMNAE	6	11	10	8	11	22	6	22	27	10	7
APPLICANT	23	18	13	17	13	25	27	40	29	15	29
CONTINUING EDUCATION/PART-TIME DEGREE	79	81	87	76	106	95	82	87	92	85	79
FULL-TIME DEGREE	283	401	416	406	368	385	375	394	372	375	334
GRADUATE STUDENTS	58	40	49	27	41	25	32	31	14	10	4
MISCELLANEOUS (PARENTS, STAFF, ETC.)	34	42	42	37	40	34	36	32	39	40	27
<b>TOTAL</b>	<b>483</b>	<b>593</b>	<b>617</b>	<b>571</b>	<b>579</b>	<b>586</b>	<b>558</b>	<b>606</b>	<b>573</b>	<b>535</b>	<b>480</b>

## 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.

	13/14	12/13	11/12	10/11	09/10	08/09	07/08	06/07	05/06	04/05	03/04
<b>ACTION TAKEN</b>											
ADVICE & REFERRAL	382	484	511	482	493	471	452	434	386	364	262
INFORMATION	10	1	3	1	2	10	8	9	23	51	114
INTERVENTION – CLARIFYING	33	48	37	39	42	43	36	79	82	62	49
INTERVENTION – MEDIATION	1	1	3	1	0	1	1	1	0	2	3
INTERVENTION – SHUTTLE DIPLOMACY	44	43	49	31	25	31	42	61	62	45	40
INVESTIGATION	13	16	14	17	17	30	19	22	20	11	12
<b>TOTAL</b>	<b>483</b>	<b>593</b>	<b>617</b>	<b>571</b>	<b>579</b>	<b>586</b>	<b>558</b>	<b>606</b>	<b>573</b>	<b>535</b>	<b>480</b>

## Website Activity

The Office of the Ombudsperson website provides FAQ's, 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. As shown in the table below, accessing information via the Ombudsperson website has increased steadily over the past five years.

Calendar Year	Total unique visitors	Average number of visitors/month	Months with most traffic (top 3 in descending order)	% increase monthly from previous year
2014	15,386 (up to Aug. 31, 2014)	1,923	April; March, May	n/a
2013	22,370	1,864	November; October; September	+37.3%
2012	16,290	1,357	September; December; October	+49.4%
2011	10,905	908	December; May; November	+35.3%
2010	8,059	671	January; December; September	+ 1.6%

We also provide a link to an anonymous online questionnaire where individuals who have interacted with the 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.

## Testimonials

“The Office was fantastic in offering guidance, and even gave me a follow-up call when more information was available. That level of help is outstanding and I really appreciated it.”



# In Appreciation

Many of us who live in Canada are accustomed to making our concerns and complaints known as we have many legislated and policy routes available to us for this purpose. Thus, it is always sobering to be reminded that some individuals experience severe reprisal for lodging complaints with a government or public sector body in comparable settings in some countries. As improvements can only be made if we are aware of what is lacking or what could be enhanced, we should be particularly grateful to those who have to overcome their fear of reprisal in order to bring their concerns forward. Therefore, I would like to commend those individuals who find it very difficult and frightening to lodge a complaint and still have the courage to do so.

I am very grateful to all of the individuals within the Ryerson community who have responded to our calls for clarification or to discuss or investigate a complaint with an open mind and have made their best efforts to arrive at a fair outcome for all concerned. I would also like to thank those individuals and departments who have invited this Office to provide training and support for further professional development on effective conflict resolution, administrative fairness and the principles of natural justice as well as how to engage in principled negotiation. This preventative orientation and desire to build capacity for resolving disputes fairly both for the present and the future can only be beneficial for both the short and long term capacities of individuals and for overall organizational fairness standards.

I would also like to acknowledge the willingness and generosity of the members of the Ombudsperson Committee to serve as well-informed stakeholders and knowledgeable advisors while maintaining the highest degree of respect for the structural independence of the Office of the Ombudsperson and the impartiality of the incumbents.

Finally, I would like to recognize the caring and commitment of Heather McGhee Peggs and Katharina Ploss, the Assistant Ombudspersons, for their important contributions to the Ryerson community as it relates to furthering the ethos of fairness via the successful implementation of the Terms of Reference for the Office of the Ombudsperson at Ryerson University.

Respectfully submitted:

Nora Farrell  
Ombudsperson at Ryerson University

### APPENDIX 1:

## About the Office

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

### STAFFED BY:

**Nora Farrell**, Ombudsperson

**Heather McGhee Peggs**, Interim Assistant Ombudsperson

**Katharina Ploss**, Interim Assistant Ombudsperson

**Stephanie Lever**, Administrative Assistant (part-time)

## Testimonials

“The most useful, helpful resource I have found.”

### APPENDIX 2:

## The Terms of Reference of the Ombudsperson

**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.

**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.<sup>10</sup>

<sup>10</sup> 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>>.

APPENDIX 3:

Information Illustrating the Size of the Ryerson University Community<sup>11</sup>

STUDENT ENROLMENT, FFTE<sup>12</sup> 2009-2014

Year	Undergraduate Students	Graduate Students
2013/2014	27,369	1,940
2012/2013	25,466	1,931
2011/2012	24,161	1,905
2010/2011	23,237	1,805
2009/2010	22,223	1,643

CONTINUING EDUCATION STUDENT ENROLMENT 2009-2014

Year	Continuing Education Students, FFTE	Continuing Education Course Registrations
2013/2014	3,077	69,549
2012/2013	3,046	68,294
2011/2012	2,213	69,108
2010/2011	2,412	68,532
2009/2010	2,671	67,231

TEACHING AND STAFF COMPLEMENT 2009-2014

Year	Tenure/ Tenure Track Faculty	CUPE Part-time and Sessional Instructors <sup>13</sup>	CUPE Continuing Education Instructors <sup>14</sup>	Staff (FFTE) <sup>15</sup>
2013/2014	847	250	490	1,905
2012/2013	832	229	431	1,800
2011/2012	808	220	486	1,803
2010/2011	778	228	464	1,718
2009/2010	772	228	469	1,687

<sup>11</sup> "University Planning Office, Key Statistics" (2014), online: Ryerson University <<http://www.ryerson.ca/upo>>

<sup>12</sup> *Ibid.* FFTE stands for Fiscal Full-Time Equivalent. A student's FFTE (fiscal full-time equivalent) is the proportion of a full load course load that he or she is taking, E.g. If a program normally includes 20 hours of instruction, a student enrolled in 15 hours of courses would generate 0.75 FFTE (15/20).

<sup>13</sup> Senior Research Analyst, RU Planning Office.

<sup>14</sup> 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 to 2013/2014.

<sup>15</sup> *Supra* note 13.

