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Listening & Learning

Annual Report for July 1, 2017 to June 30, 2018 for the Ombudsperson at Ryerson University



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Note: The citation style used throughout this report follows the McGill Law Journal tradition with the exception of pages 4 – 6.

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, 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.

“ I am thankful to you for your help and extra ordinary support throughout this process. ”

Essential Characteristics of the Office of the Ombudsperson at Ryerson University

CONFIDENTIALITY:

All information provided to the Office of the Ombudsperson is kept confidential, unless the Office has explicit permission for names and/or identifying 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. We strive 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.

Modus Operandi of the Office of the Ombudsperson at Ryerson University

INDIVIDUAL CASE WORK

- discussion about concerns or complaints;
- review of relevant options and assist in the assessment of these options so that the student can decide in an informed manner the viable routes available for moving 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

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

Consultation and Training

- consult on development of policy and procedure as an independent and objective resource; and
- consult on University training initiatives, particularly those related to fair decision-making and effective conflict resolution and lead training developed by the Office of the Ombudsperson.

“Fairness is not an attitude. It’s a professional skill that must be developed and exercised.”

Brit Hume



Progress made on Ombudsperson's Recommendations

Each year in this annual report we provide updates on the progress the University has made in implementing the recommendations accepted previously. The University's assessment of its progress is provided in italicized text.

Late Course Drop and Retroactive Withdrawal

RECOMMENDATION 1:

Therefore, I am recommending that the late drop and retroactive withdrawal process be reviewed and that consideration be given to eliminating the requirement for students to use the academic grade and standing appeal process for requesting retroactive withdrawals so that all requests of this nature are submitted to the student's home department regardless of the time of year.

That the grounds for requesting a late drop or retroactive drop be expanded to include a category such as 'other legitimate reasons' or 'procedural error' so as to capture the circumstances that do not fall within 'medical' or 'compassionate' grounds but are such that they may warrant a late drop or retroactive withdrawal.

Current Update: The possibility for students to request either a late course drop or a retroactive withdrawal was introduced by the Registrar's Office to deal with circumstances that are outlined in the relevant page on the RO's website where students can download the Request for Late Course Drop/Retroactive Withdrawal Form. As the Office's site puts it, applying for a late course drop or retroactive withdrawal "should be a last resort and will only be considered where a student has faced sudden and serious life events that directly prevented them from meeting the course drop/retroactive withdrawal published deadlines."¹

The reasoning behind these restricted grounds is elaborated at this same web page: "Ryerson University has the responsibility to ensure that undergraduate program and Chang School program students meet their academic requirements in a manner that is equitable to all students. As such, Ryerson adheres to University policies, procedures and deadlines to ensure fairness and equity for all students. Ryerson recognizes, however, that students are sometimes faced with unforeseen and extraordinary circumstances beyond their control that may prevent them from meeting course drop and retroactive withdrawal deadlines."²

Currently, students who due to extenuating circumstances were incapacitated and therefore unable to drop the course by the published deadline, submit the above form along with any supporting documentation to their department or school, in the case of undergraduate students, or to the academic program associated with the course, in the case of Chang students. The student's home department or school must then provide a recommendation as to whether the deletion of the relevant course(s) from the official student record should be undertaken, though as the Ombudsperson notes, "the Registrar's Office makes the final determination as to whether a late drop or retroactive withdrawal is approved."³ Other issues related to course management or procedural error are expected to be dealt with through the Undergraduate Academic Consideration and Appeals Policy (#134) or the Graduate Student Academic Consideration and Appeals Policy (#152) by submitting a grade and/or standing appeal.

In its initial response to the Ombudsperson's recommendation, the University noted that the Academic Policy Review Committee (APRC) is currently reviewing the criteria and policies governing academic consideration requests and academic appeals for graduate and undergraduate students, a review that is likely to have an impact on the process related to late drops and academic withdrawals.

In preparation for the APRC's deliberations on this matter, the Registrar's Office is conducting its own review of the Late Drops and Retroactive Withdrawals (LDRW) process. This separate review is looking at the complexities of the process as it is currently designed. As part of the Office's consultation, two feedback sessions involving staff and faculty stakeholders were held in June and October 2018 to solicit feedback on the LDRW process. Also, a survey on late course drops/retroactive course withdrawals, fee appeals and early alert report surveys was distributed in early October. The Registrar's Office plans to report to the APRC with its recommendations at the start of Winter 2019.

¹ Office of the Registrar, 'Late Course Drops and Retroactive Withdrawals', online: Ryerson University <<https://www.ryerson.ca/registrar/faculty/forms/WDR-WDL/>>.

² Ibid.

³ Office of the Ombudsperson at Ryerson University "Listening and Learning, Annual Report for July 1, 2016 to June 30, 2017 for the Ombudsperson at Ryerson University", online: The Office of the Ombudsperson at Ryerson University, <<https://www.ryerson.ca/ombuds/>> at 8.

RECOMMENDATION 2:

Therefore, I am recommending that consideration be given to providing the opportunity for students to submit both requests for a late drop or retroactive withdrawal and a fee appeal simultaneously, when circumstances warrant doing so. By streamlining the application process in this way, it would not be necessary for the students who are hospitalized for an extended period or who are at the beginning of or in the midst of a long recovery, to prepare two separate applications, and seek assistance on two separate occasions, when submitting their requests for a late drop or retroactive withdrawal and a fee appeal.

Current Update: The Registrar's Office is looking at ways of making the automatic assignment of fee reversals in cases deemed to be warranted more transparent to students undertaking late drop or retroactive withdrawal requests. The Office's web page explaining the fee appeal process already has language concerning when fee appeals are deemed to be warranted: "Fee appeals will only be considered for completed courses where the student has support from their program and the Registrar for retroactive withdrawal from the course"⁴ However, at the web page where students can download the Request for the Late Course Drop/Retroactive Withdrawal Form, the statement under the explanation of retroactive withdrawals – "Fee refunds will not be considered."⁵ – is potentially misleading. The Office is considering changing this wording to: "It is not customary for fee refunds to be considered for retroactive withdrawals."

Willingness to Assist

RECOMMENDATION 3:

Therefore, I am recommending that it be explicitly stated at all faculty and staff orientations, and ongoing professional development, that within the Ryerson value structure all personnel are expected to operate from the premise that they have the duty to care about all students' well-being and act accordingly by making every effort to be:

- approachable**
- proactive**
- helpful**
- polite**
- unbiased and empathetic**
- resourceful and**
- responsive to reasonable requests for assistance in a timely and appropriate manner.**

Please note that this list of expectations is intentionally generic, rather than prescriptive, so that the emphasis is placed on creating an environment where students and staff and faculty work together toward a common goal in a mutually respectful manner.

Current Update: The University's response to this recommendation has included the infusion of these values and principles in presentations at events involving faculty. At this year's New Faculty Orientation, for example, a presentation from Toni De Mello, Director of Human Rights Services, focused on equality versus equity and the need to pay attention to inclusiveness and teaching and the importance of providing a sense of belonging between a student and their institutional environment, as it is a predictor of student persistence or withdrawal. In addition, in a presentation at this same event, the Secretary of Senate emphasized the lens in which Senate policies should be read and interpreted with the intention that we all have the duty to care about our students' well-being and to make every effort to exhibit the qualities outlined in the Ombudsperson's Report. In particular, this presentation pointed out the need to respond to reasonable requests for assistance in a timely and appropriate manner. These same points will be made by the Secretary of Senate in the annual training for members of the Senate Appeals Committee (SAC). Earlier this year, Senate passed a policy framework in which this duty is mentioned through a values and principles section that must be outlined in all future policies. This includes a people first value, expressed as a commitment "to the success of [Ryerson] students, faculty and staff by creating a safe, secure and healthy environment that puts people first, is supportive of the whole person and enhances the development of physical, mental and spiritual well-being."⁶ This mandated inclusion of the duty in all future policies represents an important long-term step for ensuring that this duty is infused in the University's ongoing operations from now on.

Human Resources has also been infusing these same values and respect and putting people first in all of the programming offered by its Organizational and Employee Effectiveness (OEE) team. This runs from the new career development and mentoring programs offered by the OEE team to skill-specific training. In fact, the majority of the OEE team's customized intervention work is now themed around building a respectful workplace and the team regularly makes use of scenarios that include student and stakeholder interactions. For example, the team has developed a workshop on civility and respect in the workplace which is being offered university wide. A workshop on purposeful dialogue is also being offered, helping employees develop constructive ways to communicate with colleagues and others. In addition, HR's manager orientation and leader training series includes dedicated time to creating a respectful workplace. Embedded in all of these programs is the duty to care about the wellbeing of colleagues and students.

⁴ Office of the Registrar, 'Fee Appeal Process', online: Ryerson University <<https://www.ryerson.ca/registrar/fees/fee-appeals/>>.

⁵ Office of the Registrar, 'Late Course Drops and Retroactive Withdrawals', online: Ryerson University <<https://www.ryerson.ca/registrar/faculty/forms/WDR-WDL/>>.

⁶ Senate Office, 'Ryerson Senate Policy Framework', online: Ryerson University, <https://www.ryerson.ca/content/dam/senate/policies/Senate_policy_framework_approved.pdf>.

Mental Health

RECOMMENDATION 4:

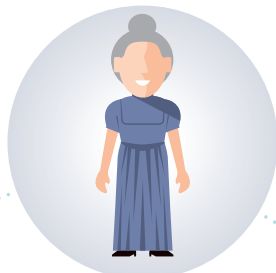
Therefore, I am recommending that using the RMHC and other appropriate mechanisms, key questions should be investigated: What is it about university life that undermines mental health and what is it about university life that supports and encourages mental health? What additional strategies can Ryerson put in place or what traditional practices can be amended or revamped to address this debilitating and pervasive reality of increasing numbers of students struggling to maintain a high level of mental health?

Current Update: Initiatives are underway, led by 1) Student Affairs, 2) Student Health and Wellness, 3) the Ryerson Mental Health and Well-Being Committee, and 4) Human Resources.

1) Student Affairs

Three relevant projects by Student Affairs are closely related to the issues highlighted in the 2016/2017 report. The first two of these initiatives were briefly referred to in the University's response included in the 2016/2017 report. Here we provide up-to-date detail on all three.

- *ThriveRU refers to a resilience-building initiative that is weaving its way throughout the campus. It speaks directly to the Ombudsperson's recommendation to investigate "[what is it] about university life that supports and encourages mental health." Based primarily on the five factor model of resilience developed by Ryerson's Dr. Diana Brecher, the program has now reached close to 6000 students, faculty and staff at the University, with its model being customized in various forms depending on occasion and context. This is a prime example of building so-called up-stream programming to help students, as well as the faculty and staff who support them, build coping skills so that the struggles of university life don't turn into a crisis. The feedback is overwhelming about the myriad ways in which this initiative has helped develop capacity for resilience building across Ryerson.*



- *Thriving in Action (TiA) speaks directly to the Ombudsperson's recommendation to investigate "[w]hat additional strategies can Ryerson put in place or what traditional practices can be amended or revamped to address this debilitating and pervasive reality of increasing numbers of students struggling to maintain a high level of mental health." TiA is an 11-week program for students who could be described as not in crisis, but languishing in some way academically or personally. The focus is typically on upper years students in the "messy middle" but it is open to any student. TiA melds the principles of positive psychology and holistic approaches to learning strategies and academic skills. In this way, the relationship between mental well-being and academic success is made explicit. This multi-week program adds something significant to the typical "one-hour workshop" model that is generally offered to students. The program also includes a commitment to outdoor physical activities. It therefore connects directly to Student Affairs' Mood Routes walking program and Portage canoeing program, while also establishing a meaningful connection to Ryerson's recreation programming. TiA's impact is evidenced by overwhelmingly positive self-reports by student participants concerning their improved sense of well-being as well as better academic outcomes as a result of the program. This is also evidenced by participants' OQ-45 results. (The OQ-45 is a widely used questionnaire designed to track the psychological well-being of participants as they progress through a therapeutic intervention.) Of the 80 students who have completed the OQ-45 measure, 60% reported moderate to high distress on the pre-test, while only 11% reported this post-test—a significantly positive impact.*
- *The Student Experience Research Team is a small initiative that speaks directly to the Ombudsperson's recommendation to investigate "[w]hat is it about university life that undermines mental health." Its explicit purpose is to provide meaningful research experience to undergraduate students on campus while illuminating the often unexplored dimensions of the student experience. The research focus during the initiative's first iteration is to use an arts-based research methodology to explore the potential gap between students' expectations and perceptions about higher education and the actual lived experiences of higher education. Team members are interested in whether or not that gap between the imagined and the real can undermine student mental health and successful academics.*

2) Student Health and Wellness

The two main mental health initiatives by Student Health and Wellness are the Student Health Assistance and Resilience Program (SHARP) and ongoing refinements to the operations of the Centre for Student Development and Counselling.

- SHARP is a peer support program designed to help students develop lifelong skills for managing their health and well-being. In 2017/2018, a total of 218 students participated in the program's student workshops and 48 student leaders participated in its leader workshops.
- The strategic efforts to reduce wait times at the Centre for Student Development and Counselling continue to meet with success. The Centre's reorganization of its service delivery model is intended to maintain high quality support for the Ryerson community while broadening its service offerings. This includes the introduction of a brief counselling model and a widening of the Centre's referral base to incorporate the SHARP program and community providers. The result has been decreased wait times for both an initial visit (9.4 days wait on average, down 15%) and ongoing counselling (6.4 week wait on average, down 50%), despite an 11% increase in initial visits overall. Also, client satisfaction (for example, 86% would recommend to a friend) has remained steady year over year.

3) Ryerson Mental Health and Well-Being Committee

As noted in the 2016/2017 report, last year also saw the reestablishment of the Ryerson Mental Health and Well-Being Committee. This was accompanied by new terms of reference for the committee, as well as an updated membership to include faculty, staff and students.

- Much of the work of the Committee centres on three project-based working groups. The first group is reviewing the website ryerson.ca/mentalhealth, while the second group is ensuring student voices are captured for the University's upcoming new strategic framework through a set of consultation interviews. The third group is developing a flexible learning resource, a project that received a Teaching About Diversity grant from the Learning and Teaching Office. With the aid of this grant, project assistants were hired to merge the teaching examples gathered during the project's first phase with a comprehensive literature review. Following an extensive review by faculty members on this group, the final draft of the resource is near completion.
- The Ryerson Mental Health and Well-Being Committee has also been involved in a review of the Mental Health 101 program, which has provided staff and faculty with tools to respond to students and colleagues who may be in mental health distress. Based on qualitative and quantitative participant survey results and facilitator consultation, Mental Health 101 has been rebranded as Notice, Engage, Refer. The program's content has undergone a wide-ranging update, with new content being included on how to handle suicidality, community resources to learn more, and an entire new section on how to debrief with one's team. During the past year, the revamped program was delivered to 217 staff and faculty, bringing the total number of participants to 417.

4) Human Resources

The mental-health response of Human Resources has focused on employee mental health. This has led to a number of initiatives.

Workplace Wellbeing Services in HR spearheaded the opening of Ahnoowehpeekamik, the newly refurbished Staff and Faculty lounge in March 2018. Its Cree name, meaning "a safe place to rest" was installed in the fall of 2018. Ahnoowehpeekamik is a place of respite, rejuvenation and connection for employees. Principles of wellbeing were woven into the design of the lounge, which includes a variety of different communal areas, varied furniture and a set of reclining lounge chairs in a quiet area where employees can recline and take a break. The design of the lounge incorporates several Indigenous elements including a cedar wood wall – cedar is one of the four sacred medicines in Indigenous culture.

In addition, Workplace Wellbeing Services and the University's Mental Health Coordinator collaborated to offer several workshop series and seminars aimed to enhance wellbeing of staff and faculty.

- The 'Writing for Wellness' series involved 12 sessions, which attracted approximately 150 participants. Designed and facilitated by Ryerson's Dr. Diana Brecher and Dr. Natalya Androsova, the series highlighted practical ways for participants to use writing as a vehicle for well-being, flourishing and personal growth.
- The Wellbeing Lunch and Learn series involved 10 sessions which attracted approximately 200 participants. Staff and faculty were invited to learn about various topics related to wellbeing over their lunch hour. Topics included an open Reiki Circle, led by Melanie Loiselle of Nursing; 'Walking with Spirit—A Nisga'a Model of Wellbeing', led by Monica McKay, Director, Aboriginal Initiatives; and tips on parenting in the early years, among others.

It is also important to highlight that Human Resources and the Ryerson Mental Health and Well-Being Committee have identified staff and faculty wellbeing as a key priority moving forward. Ryerson conducted its first employee survey in 6 years. The 2018 survey questions included questions on several themes related to employee mental health and wellbeing, including support for psychological safety, a respectful work environment, services and benefits for psychological and mental health, and the experience of psychological harassment. The results of the survey are currently being rolled out across the University and will guide leaders and teams in identifying opportunities to strengthen the work environment.

Commentary and Recommendations for 2017/2018

Nota bene: In order to provide recommendations that are likely to benefit the whole community we analyze the complaints received for indicators or trends that have systemic or system-wide implications. In addition, we deliberately do not provide descriptions of the individual cases dealt with by the Office of the Ombudsperson at Ryerson University (RU). The reason for taking this approach is that all Ombudsman/person work must be undertaken in private so that the complainants' confidentiality is protected. In order to ensure that none of the people we work with conclude that their confidentiality has been compromised, the outcomes of our reviews and any specific recommendations that are made on individual cases are not included in this report. Rather, we report on cases in the aggregate and make only systemic and system-wide recommendations. As a result, the case references are necessarily generic in nature so as not to reveal the identities of those who have raised the concerns and complaints that are the basis for the following recommendations.

Creating Accessible Learning Environments

BACKGROUND INFORMATION:

Providing for and creating an accessible environment for students with disabilities is not only legally required but is an obvious and straightforward opportunity for an institution and the individuals within it to play a significant role in the creation of a more just world. However, through discussions with students, faculty and staff I am aware that some members of the professoriate are concerned about the increasing numbers of students who present them with accommodation plans each semester and they query why so many students have them in place. From my vantage point, which is a long and deep one, as I have been involved in both higher education and the literacy movement for many years, I would encourage individuals to think of the increased number of accommodation plans as a positive trend as this increment demonstrates that increasing numbers of individuals with disabilities are now able to attend higher education as a result of adjustments being made to address their particular circumstances. This growth is particularly meaningful as prior to the purposeful integration of students with disabilities in public education, children and young adults with disabilities were often prevented from getting an education as it was assumed that because they had a disability they should not be attending school, even though the disability had nothing to do with their cognitive capacity. Therefore, it was wrongly assumed that they had no capacity to learn, and where school attendance was possible, there was often insufficient expertise and resources for these students to be able to progress.

As a result, historically, many potentially successful students were never given the opportunity to excel or were strongly discouraged from even applying for higher education. Therefore, an increase in the number of students in higher education presenting accommodation plans, as a normal part of their educational experience, is demonstrable evidence of positive societal development for the following reasons.

- Statistics Canada's most recent data show that 27% of Canadians aged 25 – 64 years old who do not have a disability have earned at least a bachelor's degree whereas for people in the same age range who have a disability, only 14% had earned at least a bachelor's degree. Not surprisingly, 30% of the people with disabilities who have completed post-secondary education indicated that it took longer for them to fulfill their degree requirements and they were limited in their choice of programs.⁷
- It is important to acknowledge that people who have earned a bachelor's degree earn income at a much higher level than those without this level of education. Specifically, for Canada overall and Ontario particularly, those with a bachelor's degree earned 37% more than those with a high school education.⁸ The Education Policy Research Initiative at the University of Ottawa also found that for those with a university degree their earnings grew by 66% over an eight year period.⁹
- While both historical and current data has shown that people with disabilities, generally have lower rates of employment, it is now unequivocally evident that when people with mild or moderate disabilities have an undergraduate degree, they are employed at almost an identical percentage as people without a disability.¹⁰

Hence, the opportunity to succeed at University provides for societal and individual benefit well beyond the students' convocation dates and personal and family pride. Also, as Statistics Canada data show that 4% of people between the ages of 15 – 24 years have a disability, it is not surprising given the size of the Ryerson University student population that approximately 2900 students were registered with Academic Accommodation Support (AAS), formerly known as the Access Centre, for the 2017/2018 academic year.¹¹

⁷ Statistics Canada, "A Profile of Persons with Disabilities among Canadians aged 15 or older" (2012), online: Statistics Canada <<https://www150.statcan.gc.ca/n1/pub/89-654-x/89-654-x2015001-eng.htm>>.

⁸ Statistics Canada, "Census in Brief: Does Education pay? A comparison of earnings by level of education in Canada and its provinces and territories" (November 29, 2017) online: Statistics Canada <<https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016024/98-200-x2016024-eng.cfm>> at 7.

⁹ Ross Finnie, Kaveh Afshar, Eda Bozkurt, Masashi Miyairi, Dejan Pavlic, "Barista or Better? New Evidence on the Earnings of Post-Secondary Education Graduates: A Tax Linkage Approach" University of Ottawa (July 26, 2016) online: University of Ottawa <https://static1.squarespace.com/static/5557eaf0e4b0384b6c9b0172/t/57a3595eb8a79b06bc686cbf/1470323048183/EPRI-ESDC+Tax+linkage_Report.pdf>.

¹⁰ Martin Turcotte, "Persons with Disabilities and Employment", Statistics Canada (December 3, 2014) online: Statistics Canada <<https://www150.statcan.gc.ca/n1/pub/75-006-x/2014001/article/141115-eng.htm>>.

¹¹ Academic Accommodation Support, "Accessibility Fund for Students with Disabilities (AFSD) Report for 2017/2018", Ryerson University.

I would like to ensure that it is also understood that while it is a positive sign of societal development that individuals with all manner of disabilities are able to participate in higher educational environments due to attitudinal changes and the availability of academic accommodation, it is also important for educational environments to be organized in such a fashion that there is less need for individual accommodations overall. Given how readily available resources for implementing the 'Universal Design for Learning' (UDL)¹² methodology are through the Ryerson Learning and Teaching Office as well as the ubiquity of UDL learning and teaching material online, learning how to apply this methodology should not be particularly taxing. In addition, as the principles embodied in UDL are very straightforward and easy to understand, e.g. using a variety of instructional methods so that the subject matter is accessible to all students; using a variety of evaluation methods and making an effort to engage students, etc., presumably implementing UDL would not be onerous for dedicated educators, while also having the potential to yield significant benefits.

Secondly, some members of the University community continue to question the validity of some students' need for academic accommodation given how prevalent accommodation plans are in their classes. However, it is important to recognize that in order for any student to be eligible for academic accommodation support via AAS they are required to submit in-depth medical documentation, prepared by a qualified professional that unequivocally demonstrates that the students' circumstances are such that academic accommodation is legally required. Typically, the health professional, who frequently is a specialist in their field, provides specific recommendations for particular types of academic accommodation. The personnel who work within AAS then determine, based on their particular skill set, which of the recommended accommodations will be included in the student's accommodation plan given the academic standards required for particular subject matter. It's important to note that for certain conditions, the very detailed medical documentation students are required to present, costs many thousands of dollars to prepare, given the extensive amount of testing that is undertaken by the health professional prior to providing their final report. As a result, there is no justification for questioning the existence of a disability and the validity of a student's accommodation plan that has been organized through AAS. Nonetheless, as many disabling conditions are invisible and many conditions do not manifest themselves in any observable manner, I recognize that this reality can be disconcerting for those who are expecting that a disability will, by definition, be easily observable. As the vast majority of students who are enrolled with AAS have what are known as 'invisible disabilities'¹³ it is important for all members of the Ryerson community to be aware that this is the norm now, and while the disability may not be obvious, its authenticity has been thoroughly vetted.

There also appears to be an expectation from some Staff and Faculty, that they should have access to the student's specific diagnosis in order for them to feel confident that a disability actually exists and that it requires accommodation. Others believe that they will be better prepared to assist students if they know the specific diagnosis. However, one can easily see how if an individual is not familiar with the many different ways in which a particular diagnosis can be revealed, how easy it would be to come to erroneous conclusions on what type of accommodation is required, based on their own limited personal experience or even perhaps on the basis of their own unconscious personal bias. It is important to acknowledge that the Ontario Human Rights Commission has advised all Ontario universities and colleges that students are not required to provide their diagnoses¹⁴, absent extraordinary circumstances. Instead, it has been emphasized that the medical documentation required should describe the impact of the disability and the resulting functional limitations. This kind of information is much more useful for determining appropriate accommodations than a diagnosis as the way in which a condition affects an individual often varies from person to person. Ultimately, the fact that some members of the Ryerson community need adjustments that are customized to them, in order for them to meet their potential and thus differ from the norm or traditional teaching or learning environments, should be seen as a personal and institutional contribution to greater equality of opportunity, and thus a more fair world overall.

PARTICULAR CONCERNS

Due to the increasing number of students who require accommodation it has become apparent that there is additional support required from AAS for students who have particularly complex needs, or for those students who may have a permanent ongoing disability which is then complicated by a short-term injury, a short-term medical condition or other extenuating circumstances, which increases the level of support needed for a particular period of time. The information provided by AAS in their annual reports demonstrates that the number of students using their services increased by 14% from 2015/2016 to 2016/2017, and by a further 11% from 2016/2017 to 2017/2018.¹⁵ It has also been reported that given the size of the current staff complement, when the number of staff hours available is divided by the number of students registered, there are only sufficient hours available for 50% of the students enrolled to have one face-to-face meeting with their Facilitator each semester.¹⁶ While students who are knowledgeable about how to negotiate the system, and are well supported by their professors and their family may not need a meeting or may only require one in-person meeting, the current level of resources provides no buffer for the inevitable number of students who will require multiple meetings to address complex problems that arise. While Facilitators and students are able to communicate via email and telephone in order to address unexpected issues, and there are drop-in hours posted to discuss new developments that arise, this is an insufficient substitute for an in-depth face-to-face discussion between a student and their Facilitator when the issues in play are complex and multiple, or when a disability is new or has changed, and the student is not well prepared for this different reality.

¹²The information available at this website describes the UDL methodology and includes resources for use by instructors, online: <<http://udlresource.ca/learn/>>. Ryerson Learning and Teaching office, online: <https://www.ryerson.ca/lt/resources/supporting_students/>.

¹³Supra note 10.

¹⁴Ontario Human Rights Commission, "Policy on accessible education for students with disabilities" (March 2018) online: Ontario Human Rights Commission <<http://www.ohrc.on.ca/en/policy-accessible-education-students-disabilities>>.

¹⁵Supra note 10.

¹⁶Sarah Kloke, "Our Time to Swim: Contextualizing Staff Burnout in Disability Services in Higher Education" SA Exchange (March 1, 2017) online: SA Exchange <<https://sa-exchange.ca/contextualizing-staff-burnout-in-disability-services-in-higher-education/>> at 6.

In addition, it is apparent from our discussions with some first year students and their parents, that for newly admitted students it can be a very shocking experience not to have the same level of access to, and support from, university staff and educators as they were accustomed to receiving in a secondary school environment.

My understanding is that the current lack of resources¹⁷ does not allow for a 'high touch'¹⁸ approach which is considered to be most desirable with respect to the accommodation of students with disabilities within the higher education environment. It has also been reported in "Our Time to Swim"¹⁹ that a survey to solicit team wellness revealed that burn out and exhaustion are issues of concern.²⁰ One might reasonably speculate that feelings of burnout and exhaustion is directly related to the high volume of work that is expected of each of the current staff complement. While I understand that there is competition for resources in all realms of the University it would seem reasonable that this area be given greater attention because there is such great potential for things to go awry for individual students who are dealing with complex health conditions. In addition, students who are unable to receive the required level of support from AAS, are more likely to then seek the time of many other staff members and educators beyond AAS when the level of complexity in their situation increases. Similarly, when academic appeals result from differing expectations as to what is appropriate accommodation a great deal of resources can be expended by both the student and a faculty member, respectively, in preparing and responding to the appeal. As a result, further consideration should be given to adding additional resources to the AAS staff complement so that students with complex needs have adequate support.

Similarly, there is also a need for University personnel to be able to quickly and easily connect with AAS personnel, when they are seeking advice on how to best support a student with a disability so that differing expectations do not get escalated into an intractable dispute.

An example of an alternate approach that could also result in a better understanding of how to accommodate students with disabilities fairly, and with less adversity for all concerned, is to move forward with decentralizing the deployment of AAS Facilitators. An arrangement whereby an AAS Facilitator is embedded in each Faculty, in a physical sense, so that they can have regular and ongoing discussion with educator colleagues and are easily accessible for discussion about academic accommodation support strategies on an immediate basis would reduce the potential for misunderstandings and the escalation of disputes about accommodation needs. By being in close physical proximity to academic and administrative colleagues, as has been done with counsellors, there may be greater opportunity for a better understanding of the wide variety of options for academic accommodation available which are not onerous to implement and could also contribute to 'myth busting'. It could also result in collaborative and ongoing discussions about how to best accommodate students with the greatest degree of support while maintaining the requisite high level of academic integrity and for how to best use universal design for learning principles when planning for upcoming classes.

My understanding is that there was a plan to introduce a pilot project for Fall 2018 whereby one Faculty would have an academic accommodation Facilitator situated in the actual physical premises of the Dean's office area. However, due to the high level of turnover of Facilitators, and the need to recruit and hire replacement staff, it was not possible to proceed with this plan for the current year. This lost opportunity is significant as it would have been very valuable to determine whether this physical change resulted in greater opportunities for students and faculty members to work with a Facilitator, with a very high degree of specialized expertise, to resolve all manner of academic accommodation support issues 'on the ground' rather than having them escalate into academic appeals and human rights assessments.

Our office is particularly well qualified to comment on the need for greater support for high need students as we have seen hundreds of students with disabilities over many years, many of whom present with similar issues:

Firstly, the nature of the student's disability is often such that if even one additional complication arises it is very difficult for them to manage all of the ancillary problems that emerge and they then conclude that they are not getting sufficient support from their Facilitator. Typically, students have expected that their Facilitators would play a more instrumental role in assisting them to grapple with the effects of their disability and unexpected circumstances that have arisen which have complicated their lives with serious implications for their academic progress. However, while it is apparent that many Facilitators have tried to provide additional support when situations have become very problematic, it is not always possible for them to provide the level of support that the student believes is needed, or in as timely a way as the student expects and the situation may require.

Often students are confronted with situations which have huge financial and personal implications such as when they have to decide whether they can continue with their current course load or if they should drop some courses or if they should be withdrawing from their programs temporarily. In some instances, when there is not enough lead time and the student concludes there is insufficient support available from their Facilitators, they may then decide to make these decisions on their own. One might argue they could also discuss these issues with an academic advisor in their home department or school and in some cases that may be possible. However, in other instances students may have already determined from previous interactions that their home department or school is not the most appropriate venue for them to seek support for planning how to deal with a multiple set of extenuating circumstances and complications related to their ongoing disability along with a temporary medical condition.

¹⁷Marc Emond, "Our Time to Swim: Navigating the New Waters of Disability Support" SA Exchange (March 3, 2017) online: SA Exchange <<https://sa-exchange.ca/navigating-the-new-waters-of-disability-support/>>.

¹⁸The Oxford English Dictionary, 2018, defines 'high touch' as "Denoting or relating to a business characterized by a very close relationship with its customers or clients." This terminology is also widely used in health care to describe an approach that is characterized by frequent contact so as to prevent the necessity for major intervention.

¹⁹Supra note 15 at 7.

²⁰*Ibid.*

Sadly, situations have also arisen where a debate develops over whether the student should be seeking 'academic consideration' rather than 'academic accommodation' given their inability to meet their academic obligations for a particular period of time. While this distinction may be meaningful to those who are very knowledgeable about university policy, the student caught in the middle is often unaware of and/or ill-prepared to assess their condition against the criteria outlined in two different policies, they being Policy 134 for Undergraduate and Continuing Education students and Policy 152 for Graduate students for seeking 'academic consideration' on a health ground, and Policy 159 for seeking academic accommodation on the basis of a disability. For some students and their family support, if they have any, the debate over whether a matter should be dealt with as accommodation of a disability or academic consideration for a medical condition seems to be a thinly disguised desire to have someone else deal with a complicated issue. While this may not be the motivation of those involved, the perception of an impenetrable and insensitive bureaucracy has arisen for some students and their families who deal with these kinds of overlapping disabling and medical conditions and or some other form of extenuating circumstance, e.g. an eviction, family break-up.

A second area of contention that is fraught with destructive conflict is where students and professors cannot come to an agreement on what is an appropriate accommodation and the AAS Facilitator and/or more senior members of the AAS team may become involved in discussing what is required and what may be exempt from accommodation, if it can be demonstrated that the requested accommodation would offend the academic standards required for a particular course. Often these discussions are had in a civil and collegial manner. However, there are situations that come up repeatedly where there is no potential for constructive discussions between the student and the professor, and even when AAS personnel become involved, there still may be no opportunity for a meeting of the minds. Therefore, the next step that has to be taken is an appeal of the professor's and Chair/Director's decision. Sometimes when informal discussion is not productive, the student will then decide that their only alternative is to request a human rights assessment via the academic appeals process to determine whether or not they have been properly accommodated. These kinds of interventions are extremely labour-intensive, and potentially damaging to the relationship between the student and the professor, as well as their school or department, given the potential for destructive conflict to develop between the many different parties. In addition, these kinds of disputes can often go on for a very long period of time and the student may be at risk of losing a great deal of time and tuition fees if they are not able to complete their courses within the semester, because they are not able to come to a mutually satisfactory agreement or what is seen to be a fair decision in a timely manner.

I would also like to ensure that it is understood that there are many instances where professors and students have worked together to come up with appropriate accommodations from each of their perspectives. In addition, I am aware of situations where professors previously determined that the students' accommodation plans as presented, would NOT allow for the academic standards of the course content to be met, whereas subsequently, different professors for the same courses and subject matter have reached the opposite conclusion.

When this happens, it is usually for one of two reasons: 1) the second professor views the academic standard differently even though it is the same subject matter or 2) the students and professors were able to successfully negotiate an arrangement whereby the students' accommodation plans could be put into place as stipulated and in a manner that was acceptable to both parties.

The reason I mention the second scenario is because the students who were successful in having their accommodation plans implemented as written, after having them rejected previously, had prepared very well for the discussion and the professors involved had demonstrated a very high degree of openness and collaboration. In the situations I have observed it has been after constructive and in-depth discussions, that the students and the professors arrived at what both considered a fair resolution. Fortunately, these were students who are articulate and well versed in the ramifications of their disabling condition, who had advice and support from external sources, and were able to engage in such a discussion in a confident and professional manner. Unfortunately, not all students have that same level of confidence and interpersonal communication skills and access to advice. If the AAS Facilitators had more time available to assist students to prepare for these kinds of discussions there may be more opportunities for constructive discussions to take place as these kinds of preparatory discussions can assist the student to plan for how to approach their professors when attempting to negotiate a workable and fair outcome. However, when there are only sufficient resources available for a one-time only face-to-face meeting with a Facilitator in a semester, for half of the AAS registrants, this precludes the likelihood of Facilitators having the opportunity to work with students on a one-to-one basis, over multiple meetings, to assist them to prepare for high-level conversations.

A third area of concern is the prevalence of myths in play about what academic accommodation looks like and how demanding it is to accommodate students. Similarly, there is also unequivocal evidence of the pervasiveness of the erroneous notion that accommodating students with disabilities results in unfairness to students who are not disabled. As the great concern for fairness for students who are not disabled appears to be so deeply ingrained in some parts of the academy, given how often I have heard it said and by such a diverse range of staff and faculty, additional steps are needed in order to combat the erroneous notion that accommodating students with disabilities results in unfairness for students who do not have a disability. I wonder whether this belief is a remnant of an academic culture which developed many years ago due to what was perceived to be the largely homogenous nature of previous student populations. Regardless of the origin of this belief, an important beginning point to address these issues would be to move forward as expeditiously as possible with the review of Senate Policy 159 Academic Accommodation of Students with Disabilities, which was slated for 2017.

While there are many positive and constructive inclusions in the current policy underwriting the University's expectations for the proper accommodation of students with disabilities, the opening statement is cause for concern:

*This policy establishes guidelines for the academic accommodation of students with disabilities in order for them to access and demonstrate learning in a university context while maintaining the integrity of course content and objectives, **as well as ensuring fairness for all students.***²¹ [My emphasis].

It is difficult to understand why this reference to ensuring fairness for all students would be included in the preamble to a policy which is specifically written to provide for fair process and outcomes for individual students based on their particular and unique needs and abilities.

A review of similar policies from other universities show some interesting contrasts. For instance, the University of Guelph describes its commitment differently by stating:

2.2 The University promotes the full participation of students in their academic program. It is recognized that the provision of academic accommodation is a shared accountability and responsibility between the University and the student.

“Academic Accommodation” means modification to academic policies, procedures or the educational environment that would result in equal opportunity to attain the same level of performance, or to enjoy the same level of benefits and privileges enjoyed by others, and meets the student's Disability-related needs.²²

In contrast to the Ryerson policy, there is no reference to the accommodation of disability being connected to ensuring students who are NOT disabled are treated fairly.

“ I am so glad we have such a trustworthy Office at Ryerson. ”

Similarly, Western University speaks to rights and responsibilities in relation to the accommodation of disability in the pursuit of excellence:

“The University of Western Ontario is dedicated to the advancement of learning... and... seeks to provide an environment of free and creative inquiry... **As part of our commitment to excellence, we seek to recognize and remove the obstacles faced by traditionally under-represented groups in order to facilitate their access to and advancement at Western.**” (*Leadership in Learning*, pp.3,4). The University also accepts that education is defined as a “service” under the *Human Rights Code* of Ontario (Section 1) which states that: Every person has the right to equal treatment with respect to services, goods and facilities without discrimination because of... handicap.” The University, therefore, recognizes its obligation to provide reasonable academic accommodations to students with disabilities where the accommodation can be implemented without compromising the academic integrity of the course or program. The provisions of this policy do not apply if the University determines that the necessary pedagogical, human, physical or financial resources are not and cannot be made available to accommodate a particular disability.²³ [My emphasis]

It is my belief that the preamble of Ryerson's policy on how best to accommodate students with disabilities should demonstrate and emphasize inclusivity and generate enthusiasm for reducing impediments for equal opportunity to succeed academically.

The following statements currently imbedded in the policy would then reinforce the University's overarching expectation

The University is committed to fostering an inclusive educational environment that:

- *provides mutual respect*
- *recognizes the equality, dignity and autonomy of all persons;*
- *recognizes that “disability” refers to the negative aspects of the interaction between individuals with a health condition and personal and environmental factors... The disability experience resulting from the interaction of health conditions, personal factors, and environmental factors varies greatly.” (World Health Organization, 2011);²⁴*

²¹ Ryerson University Senate Office, “Senate Policy 159: Academic Accommodation of Students with Disabilities” (August 15, 2016) online: Ryerson University <<https://www.ryerson.ca/content/dam/senate/policies/pol159.pdf> >.

²² University of Guelph Senate Office, “Policy: Academic Accommodation for Students with Disabilities” (September 2016) online: University of Guelph <<https://wellness.uoguelph.ca/accessibility/about-us/policy-guidelines/policy-academic-accommodation-students-disabilities>>.

²³ Western University Secretariat, “Policy on Academic Accommodation for Students with Disabilities” (2008), online: Western University <https://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_disabilities.pdf>.

²⁴ *Supra* note 20.

I would like to reiterate that while there are many positive inclusions in the current policy, my concern is the policy's opening statement does not demonstrate as well as it should that the University is fully committed to ensuring those students who face extraordinary challenges day after day, and year after year, while attempting to learn and build their skills, are welcomed and supported to the greatest extent possible while maintaining appropriate academic standards. In addition, it is important to keep in mind that historically a large percentage of people with a disability found it difficult to obtain meaningful employment given societal bias and misapprehensions. Whereas, currently people with a moderate disability who have earned a bachelor's degree now have the same level of participation in the work force as those with the same qualification who do not have a disability.²⁵ Clearly, academic accommodation can be life-changing at both a micro and macro level.

The other area of the policy that I would suggest be reviewed is the area dedicated to the resolution of disagreements. The way the current policy is written is that if the student does not agree with the professor's unwillingness to implement the accommodation plan as presented, they then address their concern about what they perceive to be a lack of accommodation to the Chair/Director of the school, program or department. The Chair/Director reviews the situation and then issues a decision on the type of academic accommodation the student will receive. If the Chair/Director's decision is not to implement the accommodation prescribed by the external medical professional and confirmed by the AAS personnel, the Chair/Director shall, as soon as possible, forward all the relevant documentation to the Dean for their review. The Dean then reviews all of the relevant documentation and if the Dean does not agree with the academic accommodation requested by the student and as prescribed in the accommodation plan, then the student may bring their concern to the attention of the Associate VP Academic for their final review of the student's request.

As this process affords three opportunities for the student to have their situation reviewed it is by necessity a lengthy process. However, by definition it can be a very onerous process because after raising their concerns to the professor, AAS and the Chair/Director, the student must then prepare a detailed letter of appeal for the review of the Associate VP Academic. Obviously, this is a necessity so that the Associate VP Academic has all of the relevant background information and it is also an opportunity to ensure the student's point of view is fully articulated within the context of their experience and their intimate knowledge of the impact of the disability along with their understanding of the medical professional's specialized expertise on how best to accommodate the student's unique circumstances.

Unfortunately, even with the best of intentions a process of this nature can become adversarial in that a dynamic develops whereby it is perceived as the student versus the University: first against the professor, then against the Chair/Director, maybe against the AAS staff and then the Dean and perhaps, ultimately, the Associate VP Academic. While the behaviour of the parties may be such that an adversarial tone does not develop, there is great potential for such a dynamic to occur given the need for the student to repeatedly ask different University personnel for what they believe to be a fair outcome and for the various respondents to repeatedly express their rationale for their disagreement. I am also aware that some students decide that they can not expend the time and energy required to take forward their disagreement through this process and they drop or do very poorly in the courses involved and, in some instances, leave their programs as they are not willing to 'battle' repeatedly what they consider to be unreasonable decisions.

The other reality that must also be taken into account is that the Professor, Chair/Director, Dean and/or Associate VP Academic may not have the type of expertise about disability accommodation at their disposal that may be necessary in order to adjudicate this kind of dispute fairly. Specifically, they may need to call on experts within AAS and/or more specialized expertise depending upon the nature of the disability. This additional consultation can be time-consuming and labour-intensive. As well, and importantly from a fairness point of view, the student may not be privy to who the various decision-makers are consulting and what the experts have said, prior to the final determination being made. I raise this issue as if the student does not know who is being consulted and what is being said, it may be that an individual with the requisite expertise has not been consulted as the parties are not aware of their specific expertise or their location. Also, it is a violation of the first principles of natural justice for an appellant not to know all of the information that is being considered, and to have the opportunity to respond to it prior to such an important decision being made.



²⁵ *Supra* note 20.

Another approach that may be worthy of consideration is what is used in some other universities, whereby a panel of experts, which is composed of individuals who have subject matter expertise as well as disability accommodation expertise, is assembled in order to address concerns relating to lack of accommodation. The benefit of using a panel of decision-makers is if there are three well-qualified individuals reviewing the dispute, then there may be greater potential for a higher degree of structural impartiality by virtue of having three different sets of experiences and expertise viewing the situation. In addition, if there are three independent experts providing their rationale, one would hope that it would be more likely that the final decision would be more readily accepted by both the student and the professor, given the high degree of subject matter and disability accommodation expertise that has been brought to the decision-making process. Once again, I would like to reiterate that I am not implying in any way shape or form that current decision-makers who have been involved in these kinds of processes have not made fair and well-informed decisions. Rather, I am suggesting that a process be considered that would be based on a review of the differing points of view by a small panel of individuals with expertise in all of the necessary areas, e.g. subject matter, accommodation of disability, and human rights, so as to provide for, as well as to increase the potential for the perception of a time efficient, fair and evidence-based approach.

RECOMMENDATION 1:

That the Senate Policy 159 Academic Accommodation of Students with Disabilities be reviewed as soon as possible with particular emphasis on developing policy language that demonstrates the University's desire, along with its legal responsibility, to ensure that students with disabilities will be accommodated in a manner that is consistent with them having the greatest potential for academic success given their particular circumstances.

That the process developed for 'Resolution of Disagreements' be predicated on a non-adversarial and time-sensitive approach that is infused with disability accommodation and subject matter expertise, and ensures that the decision-making process allows for the student to be aware of all information that is being considered from all sources prior to the final decision being made on how the student will be accommodated.

That the policy review includes solicitation of input from a wide range of students with disabilities, students and faculty with substantive knowledge in Disability Studies as well as faculty and staff who regularly interact with students with disabilities. This consultation could also be used to identify beliefs and practices that are inconsistent with fair and equitable practices, such as the belief that all students should be treated equally without taking into account their individual circumstances and that accommodating students with disabilities creates unfairness for students who do not have a disability.

That the resources allocated to provide academic accommodation support be consistent with the volume and complexity of students needing support, and to allow for support to be offered at the best practice, 'high touch' level.

That continued efforts be made to reduce the need for individualized accommodation plans by emphasizing the benefits of using universal design for learning principles that provide for accessible learning environments for all students regardless of their unique needs and abilities.

Academic consideration and appeals

As the Undergraduate and Continuing Education, and the Graduate student appeal policies are still in the process of being reviewed I bring these recommendations forward for consideration by the Academic Policy Review Committee as they complete their process, as well as for decision-makers that are actively engaged in handling academic appeals currently.

INFORMAL RESOLUTION

In the academic consideration and appeal policies (#134 and 152) specific reference is made to the fact that before a student may submit a grade or standing appeal they are **encouraged** to (for Undergraduate and Continuing Education students) and **required** to (for Graduate students) consult first with the instructor, and then with the Chair or Director to seek an informal resolution. The rationale behind the emphasis on this step, as I understand it, is to give the parties who are directly involved, the opportunity to try to resolve their differences and to avoid the need for the student to enter into a formal appeal process. This is a laudable goal as the preparation of appeals and their assessment is usually a very time-consuming process for all involved, and is particularly onerous for students who are dealing with severe medical conditions, disabilities and/or extenuating circumstances which increase their instability and vulnerability. Nonetheless, it is not uncommon for students to approach their Chair or Director to ask for an appointment to discuss the informal resolution of their concern and to be told that they should simply submit a grade or academic standing appeal. This is often a jarring experience for students as if they have read the policy they will find this to be contradictory, and if they have consulted with a Student Advocate or Academic Advisor, they likely will have been told that they must seek a meeting with the Chair or Director in order to justify moving forward with a grade or academic standing appeal. In addition, often students lose time with regard to preparation of their appeal as it may not be possible, for valid reasons, for an appointment with the Chair/Director to be scheduled immediately. Therefore, when they attend the appointment and they are told to simply 'appeal' without any opportunity to discuss alternatives or the situation at hand, it is especially frustrating as so much time has elapsed that could have been spent collecting documents and preparing their appeal submission.

As there are so many different scenarios involving so many different individuals it is impossible to know why informal resolution is not attempted on a routine basis. My experience has been that some decision-makers are simply unaware that the expectation for an informal resolution through consultation is a policy directive, given they are new to the role or have not spent a great deal of time addressing these kinds of situations. Also, it is possible that the Chair/Director does not think it is appropriate to engage in an informal resolution process which may result in a suggestion that all parties or one party consider to be unsatisfactory, as the same Chair/Director will ultimately be in the position of then having to decide on a formal appeal when it comes to their attention. It may also be that some parties are 'conflict averse' and prefer not to engage in what they may find to be difficult conversations. Notwithstanding these complications, it does seem to me to be a lost opportunity for the students and professors who are most knowledgeable about the matter that is in dispute not to have assistance to resolve their differences outside of a formal appeal process. While an informal process may not yield the desired results in all cases, in many other settings related to the resolution of disputes, it is important to keep in mind that informal resolution has proven to be both effective and timely. However, within the current policy context, it must also be acknowledged that the decision-maker may be placed in an untenable role with regard to perceptions of the fairness of the process if informal resolution is attempted and is unsuccessful. Therefore, there is benefit in exploring if there is a different person within the School/Department/Program who could be involved with informal resolution discussions and if unsuccessful, the Chair/Director then makes the decision on the formal appeal without having to be involved beforehand. More importantly, if it is determined that there is no willingness or appetite on the part of Chairs/Directors, generally speaking, to engage in informal resolution given whatever variables have influenced the thinking of the parties involved, the expectation that students should attempt to engage in such a process with the Chair/Director should be removed from the new academic consideration and appeal policy.



APPEAL AND DECISION DEADLINES: EXTENSION OF SUBMISSION OF APPEAL DEADLINES

There are many documented occasions when students who ask for an extension to the appeal deadline are told that the deadlines are sacrosanct and may not be extended in any circumstance. This kind of response by definition is completely contradictory to the policy as it is stated in both policies unequivocally that in extenuating circumstances students or university administrators may request that an extension be provided, at any of the three levels of appeal.

Appeals not filed by the published deadlines will normally not be accepted. **In extenuating circumstances, students or university administrators may request that an extension be provided** by a GPD, Faculty Dean or Designate, or the Secretary of Senate, depending upon the level. (*Graduate Student Academic Consideration and Appeals Policy*, Section: 4.1.12. Bold text is my emphasis.)²⁶

Appeals not filed by the published deadlines and incomplete appeals will normally not be accepted. **In extenuating circumstances, students or university administrators may request that a Chair/Director, Dean or the Secretary of Senate, depending upon the level, provide an extension.** (*Undergraduate Academic Consideration and Appeals Policy*, Section: 1.1.11. Bold text is my emphasis.)²⁷

When extensions are denied without consideration of the circumstances, it is particularly concerning if the student missed a deadline to ask for an extension because they were too unwell or compromised due to extraordinary circumstances. It may also be that this student has no family members or friends who can assist them, so it is not possible for them to make any other arrangements until they are well enough to handle the matter themselves. It surprises me when students receive an unequivocal negative response indicating that the deadline may not be extended as it seems unlikely to me that those individuals who have issued that kind of declaration would accept such a standard themselves if they were in a situation where their personal circumstances, or those of their family members, prevented them from meeting an externally imposed deadline.

Interestingly, even though the policy states that either the student or a university administrator may ask for an extension to the deadline, I've never read any communication from a decision-maker asking for an extension when they can not meet the deadline for issuing the decision. While I have seen very polite explanations from various levels of decision-makers including apologies and a firm extended deadline for when the decision will be issued, I've also seen correspondence in which it is indicated that the time frame will not be met, with no explanation provided about the delay, and no date for when the decision will be provided. When deadlines are not met by decision-makers there is no consequence and it appears that there is limited awareness of the very negative impact a delayed decision may have for some students given the precarious nature of their lives and their financial realities.

²⁶ Ryerson University Senate Office, "Senate Policy 152: Graduate Student Academic Consideration and Appeals" (September 1, 2017) Online: Ryerson University <<https://www.ryerson.ca/content/dam/senate/policies/pol152.pdf>>.

²⁷ Ryerson University Senate Office, "Undergraduate Academic Consideration and Appeals. Policy Number: 134" (August 15, 2016). Online: Ryerson University <<https://www.ryerson.ca/content/dam/senate/policies/pol134.pdf>>.

From my vantage point, the reason this practice has continued is due to the power imbalance between students and decision-makers, and the belief that decision-makers, by definition, are entitled to a great deal of leeway. Regardless of the reason for the continuation of this double standard, while meeting timelines is not only a policy requirement, it is also simply common courtesy to make arrangements for unexpected delays. Nonetheless, this basic requirement is often flouted. In some instances it does not have a significant impact on the student but in others it does, and on a more philosophical level it erodes the confidence of students in the institution as it demonstrates that some parties in the process are held to a much lower standard than others.

TEMPORARY PROBATIONARY OR PROVISIONAL CONTRACTS

Every semester we encounter incidents within the academic standing appeal process whereby students who are submitting an academic standing appeal are denied a temporary probationary or provisional contract which would allow them to attend classes and keep up with their work while the standing appeal is processed. The fact that these denials occur repeatedly is confounding, as in my opinion, the policies very clearly state both for undergraduate and graduate student levels, that once a student has submitted an academic standing appeal the student may then choose to have a temporary probationary or provisional contract put into place.

The language from the two academic consideration and appeals policies, i.e. #134 and #152 at Sections 1.1.10 and 4.1.9, respectively, is:

*Students who are appealing their Required to Withdraw or Permanently Withdrawn (Undergraduate students) or withdrawn (Graduate Students) standing may continue in their program and shall be registered in courses on the basis of a probationary (u/g) provisional (Graduate Students) contract until the standing appeal is resolved. . . .*²⁸

Not surprisingly some students do not wish to be enrolled in classes on a temporary basis, given they are too ill or are compromised in some fashion or they do not want to risk the time they would have to invest in attending classes and meeting their academic obligations when that time could be better spent working to improve their financial situation or caring for family members or themselves. Therefore, it is reasonable that there is not an automatic process whereby students are immediately enrolled on the basis of a temporary probationary or provisional contract as soon as they submit the academic standing appeal. However, given the potential for difficulties to arise when students have to question why they are not being enrolled in courses, and the fact that sometimes external intervention is required in order for the policy to be implemented as required, it is obvious there is a need for a different process. A less adversarial approach is for the default position to be for the program advisor or whomever it is that is receiving the academic standing appeal, to inquire if the student wishes to be enrolled in classes on a temporary probationary/provisional contract while the appeal is being processed.

This query should be included in the online appeal submission pilot project as well, such that the student would check a box if they want to be enrolled in classes on a temporary basis. To ensure there are no unintentional enrollments, a confirmation query could be included so that the student reiterates their intention.

All of the foregoing examples suggest to me that there is a greater need for an expectation of collegiality between student, staff and faculty when the student enters the appeal process and this non-adversarial dynamic should be reflected in the wording as well as the spirit of the new Academic Consideration and Appeal policy. Also, I recognize that decision-makers and the administrative staff who are responsible for implementing this policy have many other responsibilities and that they may only be in a position of thinking about this particular aspect of the policy, that being when they are handling academic standing appeals two or three times a year, so it may not be unreasonable that staff and Decision-makers are not always conversant with all of the expectations laid out in the policies. However, given the devastating effects of an academic standing of 'permanently program withdrawn' or 'required to withdraw' for undergraduate students, or a 'withdrawn' standing for graduate students, complicated by a denial of a temporary probationary/provisional contract and/or a denial of an extension, it seems to me that there is a necessity for not only a greater expectation of collegiality, and a reduction in the adversarial nature of the appeal process, but that there be in-depth orientation to the policies, e.g. a one to two hour seminar that is offered on an annual basis for decision-makers and program advisors/student coordinators to reduce the potential for the kinds of situations described above to occur in the future.

RECOMMENDATION 2:

That the next stage of the review of the Academic Consideration and Appeals policies acknowledges the need to change the ethos of the dynamics surrounding the implementation of these policies and that the language used for the new policy is designed to reduce the current adversarial dynamic that has evolved and make provision for a more collegial approach to the resolution of disputes about grades. It should also provide for administrative protections so that students who are appealing their academic standing are able to move forward with their studies if they choose to do so, in a straightforward and non-adversarial manner. In addition, all parties should be afforded reasonable flexibility with respect to their inability to meet deadlines due to extenuating circumstances and there should be no evidence of double standards.

²⁸ *Supra* note 26 and 25 at Sections 1.1.10 and 4.1.9.

A general philosophy

Why should university personnel and students be helpful and responsive to one another?

Jeremy Bentham, noted philosopher from the 19th century, reportedly gave this advice to a young person in 1830: "Create all the happiness you are able to create; remove all the misery you are able to remove. Every day will allow you, -- will invite you to add something to the pleasure of others, -- or to diminish something of their pains."²⁹

I have been reflecting on how this philosophy can be incorporated into the university/student relationship as for many years in these annual reports I have been commenting on the need for a better understanding of the importance of cooperative, collaborative, empathetic and respectful relationships to student engagement and success and perhaps collaterally, faculty and staff satisfaction.

It is my experience that many members of the University community within the professoriate and the staff group engage in respectful and constructive problem-solving and show great care and concern for the well-being of their students and their colleagues. Unfortunately, we are also aware of instances where individuals do not see it as their responsibility to engage in collaborative and constructive problem-solving, and when disputes arise as to whether or not decisions made are fair, there is limited interest from the decision-maker as to the validity of an alternate perspective on the matter. In addition, complaints are made to our office about decision-makers and advisors not behaving in a manner in which is consistent with their status or the expectations for their position which is to be objective, open-minded and respectful.

In a recent article where advice was being given to students on how to get the most out of their college experience it was suggested that:

The wisest students ... "move into a peer relationship with the institution rather than a consumer relationship with it." They seize leadership roles. They serve as research assistants. And they build social capital, realizing that above all else, they're in college "to widen the circle of human beings who know you and care about you," ...³⁰

Perhaps this advice should also apply such that the wisest University personnel deliberately and consciously move into a peer relationship with their students, on both a pragmatic and philosophical level, so as to reduce the 'them vs us' mentality and work toward building mutually beneficial relationships. It is worth remembering that all University personnel only have their jobs and the opportunity to build and maintain stimulating and satisfying careers because many, many students have chosen to pursue higher education. Hence, I would expect a high level of interest in reciprocity toward students from all University employees. Essentially, students receive education, mentoring, career advice, and opportunities for personal growth and development, while the University receives students' money, time and their 'potential' as well as actual contributions to governance, leadership, community building and scholarship.

While I disagree with the 'student as customer' analogy as it is such a low level relationship, there are many students who have adopted this point of view as they do not feel welcomed and believe that University personnel are not interested in their success and do not care about their struggles. Students I meet with who have this belief system often conclude that decisions are made to require them to repeat courses they have done poorly in but have not failed; or deny a request for an incomplete grade; or a request for a deferred exam; or a transfer credit or a challenge credit, in order that the University can extract more money from them by making them repeat or take additional courses. I typically explain that from my vantage point the likelihood of anyone making decisions of this nature on the basis of financial benefit is very unlikely as the tuition fees paid do not cover the full cost of education; and that additional tuition fees paid by the student do not get funnelled to the student's home program or department. In addition, when it is explained that the tuition fees paid typically cover only approximately 50%³¹ of the actual cost of their courses, it causes a period of reflection. Nonetheless, these kinds of beliefs held by some students are ones the University community should take very seriously as 'student as consumer' is a very low level and highly transactional relationship. I would argue that the university should engage with students as junior scholars and colleagues in a peer relationship, with the ultimate goal being the development of independent, empathetic and critical thinkers who identify as citizens and not simply consumers.

Presumably Ryerson University, and all institutions of higher learning, are dedicated to offering students the best academic opportunities and the best support services possible as well as constantly examining its processes and procedures to identify the unintentional obstacles to student success that exist. The need for a rigorous process for identifying the stumbling blocks that have developed, unintentionally, within the institution that reduce students' progression could result in startling revelations, which once addressed could dramatically increase student well-being, engagement and success.



²⁹Jeremy Bentham, "Goodreads Quotable Quote" online: Goodreads <<https://www.goodreads.com/quotes/140484-create-all-the-happiness-you-are-able-to-create-remove>>.

³⁰Frank Bruni, "How to Get the Most Out of College" New York Times (August 17, 2018) online: New York Times <<https://www.nytimes.com/2018/08/17/opinion/college-students.html>>.

³¹Ryerson University Planning Office, 'Frequently Asked Questions' online: Ryerson University <<https://www.ryerson.ca/upo/FAQ/>>.

An example is the recently promoted requirement that grading variations have to be approved by the Academic Standards Committee and Senate prior to implementation. Prior to the advertisement of this already established policy requirement, no grading variations had been approved through this process even though grading variations were widely used across the University. This resulted in many students failing courses as they did not meet the faculty or department imposed requirement for a grading variation even if they had earned enough grades overall to pass these courses, I am struck by how this unintentional obstacle created considerable unnecessary adversity. For example, students who failed courses solely due to a grading variation, were then required to repeat the failed course, which then had the potential to put them out of sync with pre-requisites or co-requisites which could then extend the time needed to complete their degree. These students would therefore fall out of sync with their cohort with whom they had established study groups and friendships. Some of these students were assigned 'Required to Withdraw' academic standings as they did not meet the requisite GPA requirement for that term. All of these outcomes occurred due to the use of an unapproved grading variation which at the time that the student failed the course had not been assessed by colleagues to determine if it had any pedagogical benefit.

Another example involves situations where some departments deny all transfer credits, with minimal rationale, even though the student has completed what appear to be comparable courses at well recognized Canadian universities. Similarly, some departments will not entertain any challenge credit even though their students may have worked in a field that is the focus of the course subject matter for many years. Some departments have developed communication protocols which may not be effective for all students, e.g. an academic advisor will only communicate with students via email regardless of the nature of their query or their circumstances. For some students an email exchange is not a means by which they can properly explain their need for academic consideration or advising given their particular circumstances or the sensitive nature of their situation, and therefore they are severely constrained by only being permitted to use this one method of communication.

These types of policies and procedures, while not intended to cause harm, may in fact cause considerable delay in a student's progress and their faith in the University's commitment to their academic success.



An intriguing set of comments was made by the U.S. Supreme Court Chief Justice John Roberts' in a commencement address that he made to his son's 9th grade class in which he acknowledged the immense privilege these students had accumulated or had been born into which allowed them to attend this very prestigious school. He said:

Now the commencement speakers will typically also wish you good luck and extend good wishes to you. I will not do that, and I'll tell you why. From time to time in the years to come, I hope you will be treated unfairly, so that you will come to know the value of justice. I hope that you will suffer betrayal because that will teach you the importance of loyalty. Sorry to say, but I hope you will be lonely from time to time so that you don't take friends for granted. I wish you bad luck, again, from time to time so that you will be conscious of the role of chance in life and understand that your success is not completely deserved and that the failure of others is not completely deserved either. And when you lose, as you will from time to time, I hope every now and then, your opponent will gloat over your failure. It is a way for you to understand the importance of sportsmanship. I hope you'll be ignored so you know the importance of listening to others, and I hope you will have just enough pain to learn compassion. Whether I wish these things or not, they're going to happen. And whether you benefit from them or not will depend upon your ability to see the message in your misfortunes.³²

I have provided this excerpt from the Chief Justice's message as he clearly articulated the reality that both bad and good luck plays a significant role in all students' success. In describing the benefit of experiencing bad luck for those who are very privileged, it was also demonstrated that many who have had a lot of good luck may not recognize that their accomplishments are not predicated only on their excellent work ethic and highly developed study skills, and that those who are not as successful, may not be lazy or lacking in capacity. It often occurs to me when speaking with students, faculty and staff that their comments demonstrate that they have forgotten or never knew that they themselves are not the sole authors of their own good fortune, and that others who encounter great academic and personal difficulty repeatedly, also may not be the authors of their own misfortune. This is particularly important for members of the Ryerson community to be conscious of, as my interactions with many students demonstrate that they have no need for Chief Justice Roberts' sage advice as their lives are not privileged in any way, shape or form.

One of the most impressive students I have ever met at RU was a young person who grew up in a family with very limited financial resources and whose parents' health and financial well-being spiraled downward year after year to the extent that this student became the primary financial support for a family of five while completing an undergraduate degree. This student assumed this responsibility willingly and cheerfully and when I commented that it was unfortunate that the students' parents were not able to provide any financial assistance at all, I was reminded, in a polite but emphatic manner, that these parents had provided sufficient support, prior to the onset of their dramatic ill-health, so the student never had to work at all while attending high school!

³²Katie Reilly, "'I Wish You Bad Luck.' Read Supreme Court Justice John Roberts' Unconventional Speech to His Son's Graduating Class" Time (July 5, 2017) online: Time <time.com/4845150/chief-justice-john-roberts-commencement-speech-transcript/>.

Shortly after starting first year, this student began working full-time hours at very draining jobs while also taking a full-time course load. Often the student was not able to attend classes and only attended for mid-term and final exams and studied alone. Not surprisingly, this student had some academic setbacks and was 'Required to Withdraw' at one point. The student was eventually reinstated and due to an external financial windfall which could not have been anticipated, the student was finally able to attend school full-time without working. Once in that enviable position the student attended all classes; got involved in multiple study groups; made use of free tutoring programs; volunteered for various activities and graduated with an average CGPA, a professional degree and now has a very good job in their chosen field. Sadly, this student did not receive much support or understanding from the department involved, as it was wrongly assumed given the student's less than stellar academic performance and minimal attendance, that there was no commitment to achieving academic success. When the student reluctantly explained their financial reality, and that they were not able to attend all classes due to unavoidable work commitments, they were told not to enroll again if they couldn't afford to attend on a full-time basis. This was not particularly helpful advice, even though well-intentioned, as the student would never have been able to attend on a full-time basis, absent the unprecedented and relatively speaking, minor financial windfall, given the family's very bad luck over many years beforehand.

Sadly, I have known many students who have no alternative but to hold down full-time jobs when they attempt to complete full-time studies, and they operate this way for many years - sleep-deprived, often commuting long distances, living frugally - so as to improve their whole family's future. Rarely, in my experience, do they think of their own future in terms of how they will benefit personally. Instead their plans are focused on ensuring those for whom they have accepted responsibility, i.e. that their parents or siblings, have a more stable home life and educational opportunities.

As a result, when staff or faculty say that a student who is not doing well academically will benefit from a year off in order to 'grow up'; build character or to develop some focus, I have observed that it may already be that the student has many 'grown up' responsibilities and incredible character and focus. The problem is that they have no alternative but to make their studies a lower priority than they would like to, and as a result they may need some assignment extensions; time-span extensions and more in-depth academic advising as they have to make many more strategic decisions than the student who can take five courses a semester; take the summers off to work or 'rusticate' and follow this pattern consecutively for eight semesters. Most importantly, assuming that less than stellar academic progress demonstrates a lack of commitment or academic ability is very short-sighted when taking into account the many difficulties many students face. Surprisingly, I have encountered many students who are at high risk of academic failure and have had many absences but have never been approached to ask if they need assistance.

In assessing what would be most beneficial to students who face extreme challenges at Ryerson University, as well as those who may live more comfortable lives but are still facing considerable pressure, is to re-orient the student/staff/professor dynamic such that anyone employed by the University identifies themselves as an advocate for student success. As the newly appointed Chancellor for Ryerson University, Ms. Janice Fukakusa, stated her goal is to be an advocate for students³³ and a champion of diversity and inclusion. This should be the motivation for everyone who has the good fortune to be employed in a higher education environment as there are very few settings that comparatively speaking provide so many opportunities for personal and professional development.

RECOMMENDATION 3:

That all staff and faculty be encouraged to see their role as collegial not only with one another but with students as well and they take up their responsibility for advocating for each student's success in all of their academic and administrative interactions.

“ The future that we hold in trust for our own children will be shaped by our fairness to other people's children. ”

Marion Wright Edelman



³³Will Sloan, "Q&A with Janice Fukakusa" Ryerson Today (October 11, 2018) online: Ryerson University <<https://www.ryerson.ca/about/leadership/chancellor/https://www.ryerson.ca/about/leadership/chancellor/>>.

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

Ryerson's Response to the University's Ombudsperson's 2017-2018 Annual Report

Dear Dr. Farrell,

Thank you for your 2017-2018 Ombudsperson's report. Please find below our comments and responses to your recommendations.

Progress on the 2016-2017 Report

The University appreciates the careful analysis you provided to accompany the four recommendations in your 2016-2017 report. This analysis was useful in helping shape the University's response to each recommendation. The current updates related to progress on each of these recommendations, as outlined in this year's report, give a sense of the University's commitment to address some of these issues as we continue to adapt and strengthen the supports offered for student success.

With respect to your first recommendation dealing with late course drops and retroactive withdrawals (LDRW), the current update notes that a review of this area by the Registrar's Office is presently underway, with a report to be presented to the Academic Policy Review Committee (APRC) early in 2019. The University agrees that there has been some variability in the way the LDRW processes have worked in practice. Once the Registrar Office's report has been submitted, the University commits, through the deliberations of the APRC, to look seriously at this variability. In addition, the APRC will examine possible solutions to increase procedural clarity, possibly through creating alternative options for students.

The Registrar's Office will also analyze the consistency of the application of the LDRW process in its current review. It is worth noting that there are major obstacles in assessing the consistency and application of university-wide standards in how individual departments and schools are applying the LDRW process, since in some cases where departments and schools do not support the student's submission, the request does not go to the Registrar's Office for review and in other situations it is still sent for review. It is absolutely essential that this step in the process be applied consistently across the University.

With respect to your second recommendation concerning the process involved in requesting fee appeals, while the University is reluctant to merge the submission of requests for late drops or retroactive withdrawals with fee appeals, steps are being taken to ensure that the distinction between the two processes is clearer to students, as outlined in the current update to this recommendation.

In terms of your recommendation concerning the infusion of principle of a willingness to assist, as you noted in your outline of the relevant issues in the 2016-17 report, "One of the crucial areas that I observe overall that would dramatically improve students' perception of the quality of their administrative and academic interactions with the University is the degree to which University personnel demonstrate care and concern for students' well-being and success."³⁴ As noted in the current update, substantive progress is being made in this recommendation, as the University takes multiple steps to help inculcate these important values in all various aspects of its operations.

Similar progress is visible in relation to your final recommendation concerning a stress on measures to address mental health. The current update outlines the wide variety of initiatives instigated by various units of the University in response. The University will continue to give close consideration to "holistic university-wide approaches to addressing this important issue,"³⁵ as noted in our initial response to this recommendation.

³⁴ Office of the Ombudsperson at Ryerson University "Listening and Learning, Annual Report for July 1, 2016 to June 30, 2017 for the Ombudsperson at Ryerson University", online: The Office of the Ombudsperson at Ryerson University, <<https://www.ryerson.ca/ombuds>> at 10.

³⁵ Ibid at 16.

Response to the 2017-2018 Report

RECOMMENDATION 1:

That the Senate Policy 159 Academic Accommodation of Students with Disabilities be reviewed as soon as possible with particular emphasis on developing policy language that demonstrates the University's desire, along with its legal responsibility, to ensure that students with disabilities will be accommodated in a manner that is consistent with they having the greatest potential for academic success given their particular circumstances.

That the process developed for 'Resolution of Disagreements' be predicated on a non-adversarial and time-sensitive approach that is infused with disability accommodation and subject matter expertise, and ensures that the decision-making process allows for the student to be aware of all information that is being considered from all sources prior to the final decision being made on how the student will be accommodated.

That the policy review includes solicitation of input from a wide range of students with disabilities, students and faculty with substantive knowledge in Disability Studies as well as faculty and staff who regularly interact with students with disabilities. This consultation could also be used to identify beliefs and practices that are inconsistent with fair and equitable practices, such as the belief that all students should be treated equally without taking into account their individual circumstances and that accommodating students with disabilities creates unfairness for students who do not have a disability.

That the resources allocated to provide academic accommodation support be consistent with the volume and complexity of students needing support, and to allow for support to be offered at the best practice, 'high touch' level.

Your recommendation has five parts: 1) that the APRC undertake an expeditious review of Senate Policy 159 Academic Accommodation of Students with Disabilities to enhance the effectiveness of the accommodation process as formally outlined in this policy; 2) that the APRC focus on the 'Resolution of Disagreements' portion of this policy so as to promote more non-adversarial and timely accommodations; 3) that the consultative process undertaken by the APRC before reviewing this policy be wide-reaching; 4) that sufficient resources be supplied to Academic Accommodation Support (AAS) so that the office fully meets the individualized needs of students who utilize its services; and 5) that the University's current efforts to expand the use of universal design for learning principles continue.

The University recognizes that the process students go through as they seek appropriate academic accommodation can be challenging and time-consuming. As you note, existing wording in parts of Policy 159 may be serving as an unwitting obstacle to addressing these challenges. The APRC will begin a review Policy #159, provisionally scheduled to begin in May 2019, once its current review of the Academic Consideration and Appeals policies #134 and #152 is complete. A central purpose of this review will be to clarify that the accommodation process should be conducted with the goal to maximize the learning opportunities of the students receiving accommodation, given the unique aspects of their disability.

As part of the review, the APRC will take a close look at the decision-making process around the resolutions of disagreements. The committee will search for ways to refine the policy to promote the likelihood of non-adversarial solutions, transparency and timeliness. An option to be considered is one that you raise in your commentary on this recommendation: the employment of a panel of experts, composed of individuals who have subject matter expertise as well as disability accommodation expertise, to act as the final arbiters of disagreements related to the implementation of this policy. Steps will also be taken to ensure that the APRC's review features a consultative process involving various stakeholders, not least students with disabilities who are most directly impacted by the policy.

Moreover, the University will continue ongoing efforts to ensure that the resources devoted to academic accommodation support meet current demands, and that these resources are employed to optimize the effectiveness of this support and so as to utilize best sectoral practices whenever possible. In this endeavour, the University will reconsider the pilot project mentioned in your commentary, whereby an academic accommodation Facilitator would be placed in the Dean's office area of one Faculty.

With respect to universal design for learning (UDL) principles and their ramifications for accessibility, the University acknowledges the importance of implementing UDL as one important way to provide an accessible learning environment for all students, no matter what their needs and abilities. As UDL-infused pedagogical techniques are introduced in courses across the University in coming years there will be an ongoing recognition of the significant potential these techniques offer in enhancing accessibility.

RECOMMENDATION 2:

That the next stage of the review of the Academic Consideration and Appeals policies acknowledges the need to change the ethos of the dynamics surrounding the implementation of these policies and that the language used for the new policy is designed to reduce the current adversarial dynamic that has evolved and make provision for a more collegial approach to the resolution of disputes about grades. It should also provide for administrative protections so that students who are appealing their academic standing are able to move forward with their studies if they choose to do so, in a straightforward and non-adversarial manner. In addition, all parties should be afforded reasonable flexibility with respect to their inability to meet deadlines due to extenuating circumstances and there should be no evidence of double standards.

Your recommendation has three parts: 1) that the Academic Policy Review Committee, in its ongoing review of the Academic Consideration and Appeals policies, #134 and #152, adjust the policies' language to help promote a more collegial resolution of disputes; 2) that the APRC incorporate administrative protections in the updated policies to strengthen the right of students to choose to have a temporary probationary or provisional contract put in place while their standing appeal is processed; and 3) that ways be found to enhance the flexibility with respect to appeal submission deadlines when extenuating circumstances mean that students are unable to meet them.

With respect to the first part of your recommendation, the University agrees that the language of both policies #134 and #152 should be amended to encourage collegiality when disputes in the implementation of the policies arise. As you point out, there are considerable benefits that flow from such collegiality.

The University also agrees that lateness of appeal decisions has potential negative ramifications for students and that when it happens context needs to be provided by the decision-makers to explain the reason for a late decision. This is already the University's recommended practice, and it is a point that is already covered in the training of staff and faculty members who are involved in appeal decision-making. Steps will be taken to make sure that this principle receives greater focus in the annual training seminars.

With respect to the second part of your recommendation, the University is in full accord that students' right to move forward with their studies while their appeal is under review needs to be consistently enforced. The University will address this through a memo to all decision-makers reinforcing the specific administrative means whereby students can choose to temporarily continue their studies. The University will also seriously consider your suggestion that the "default position" in academic standing appeals involve the decision maker inquiring if the student wishes to be put on a provisional probationary contract and temporarily enroll in classes.

With respect to the third part of your recommendation, the University acknowledges that extenuating circumstances should, on occasion, be taken into account when appeal submission deadlines cannot be met. At the same time, the University believes that the current language in the policies is sufficient to allow for this possibility.

 I am very grateful for your excellent review of my complaints and appreciate the kindness and care taken even though my complaint was not supported.

RECOMMENDATION 3:

That all staff and faculty be encouraged to see their role as collegial not only with one another but with students as well and they take up their responsibility for advocating for each student's success in all of their academic and administrative interactions.

As you note in your preamble to this recommendation, "In assessing what would be most beneficial to students who face extreme challenges at Ryerson University, as well as those who may live more comfortable lives but are still facing considerable pressure, is to re-orient the student/staff/professor dynamic such that anyone employed by the University identifies themselves as an advocate for student success." The University strongly agrees with this view.

The University's response to this recommendation is ongoing. For example, reference has already been made in the current updates to last year's recommendations about the survey of all employee engagement that was conducted this year. Two of the areas of focus in this survey were civility and psychological safety. While the overall survey results were very positive, the results indicated that incivility is of concern within some work units. The University is considering how best to deal with this issue. One initiative is the allocation of additional resources to enable Human Resources to partner with Schools and Departments to improve the work climate and build knowledge and capacity in areas such as communication and conflict resolution. The University will continue to undertake specific steps to convey and reinforce the overarching principle of collegiality among all employees in the Ryerson community.

A Note of Thanks

In conclusion, because this is your last annual report, the University would like to take this opportunity on behalf of the entire Ryerson community – staff, faculty and students – to express the deep appreciation we feel for what you have been able to accomplish during the time you have spent in this key position.

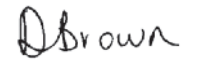
Since 2000, as Ryerson's Ombudsperson, you have done much to shape exactly how the Office of the Ombudsperson functions within the University. In addressing both individual student concerns and systemic issues of fairness, you have shown meticulous care in maintaining the Office's independence from the University's day to day workings. At the same time, you have fostered a close working relationship with a wide range of constituencies across campus. This has required a rare blend of traits: empathy and tenacity in your role as advocate for fairness, and clear-sightedness and discretion in your dealings with University personnel.

You leave your position having created positive change for Ryerson students through your recommendations, while also making Ryerson's Office of the Ombudsperson a model for comparable offices throughout the province and country. These achievements, coupled with the gratitude you have gained from community members from all parts of the University, are a fitting testament to the unerring commitment and skill you have shown in this complex role over the past 18 years.

Sincerely,



Michael Benarroch
Provost and Vice-President,
Academic



Deborah Brown
Vice-President,
Administration and Operations



11,124

CASES HANDLED

1 IN 5

CASES LED TO AN INTERVENTION BY THE OFFICE OF THE OMBUDSPERSON

OVER 210

INVESTIGATIONS WERE CONDUCTED

100

RECOMMENDATIONS WERE MADE IN PUBLICLY AVAILABLE ANNUAL REPORTS. HUNDREDS OF RECOMMENDATIONS WERE MADE ON INDIVIDUAL CASES ON A CONFIDENTIAL BASIS.



The Year in Numbers

Types of Concerns 2017/2018

	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11	09/10	08/09
TOTAL	533	541	521	520	483	593	617	571	579	586
ACADEMIC ADVICE ³⁶	156	197	181	151	133	192	177	138	104	103
ACADEMIC APPEALS ³⁷	71	62	85	83	95	102	103	107	169	158
ACADEMIC MISCONDUCT	44	40	36	55	41	49	61	70	65	83
ACCESSIBILITY	26	21	23	21	18	27	25	33	10	12
ADVANCEMENT & DEVELOPMENT	1	3	1	0	0	0	0	1	0	0
ADMISSIONS (UNDERGRADUATE)	18	20	11	15	20	20	11	17	10	15
ADMISSIONS (GRADUATE)	4	2	4	1	3	4	5	4	5	6
ANCILLARY SERVICES	2	0	2	0	1	1	2	1	1	0
CAMPUS PLANNING & FACILITIES	5	2	3	0	2	0	3	0	1	0
CONDUCT – INSTRUCTOR/FACULTY/SUPERVISOR	63	59	54	61	51	62	53	57	78	43
CONDUCT – STAFF	27	21	12	8	8	8	8	13	14	12
CONDUCT – STUDENT	11	9	6	3	4	4	8	9	4	7
CONFIDENTIALITY	3	0	0	1	3	0	0	4	5	1
CURRICULUM ADVISING ³⁸	0	8	9	7	4	11	3	7	7	11
ENROLLMENT SERVICES	29	19	19	23	17	29	45	24	37	41
FEES	19	19	21	8	27	14	21	7	7	20
FINANCIAL ASSISTANCE	20	23	21	24	16	18	20	16	9	15
INFORMATION REQUESTS – NO COMPLAINT	5	2	0	0	3	1	5	2	7	4
LIBRARY	1	0	0	0	1	0	4	2	2	1
OUTSIDE JURISDICTION	13	15	16	14	9	13	13	13	8	13
PRACTICUM/PLACEMENT (ADMINISTRATION & AVAILABILITY)	4	7	4	22	5	9	11	4	2	7
REINSTATEMENT/READMISSION	0	3	1	5	6	11	14	27	17	15
RESIDENCE	0	0	3	1	0	2	1	3	7	4
SAFETY & SECURITY	1	4	2	2	3	2	5	2	1	2
SPORTS & RECREATION	1	1	2	0	0	2	0	1	0	0
STUDENT SERVICES ³⁹	4	1	2	6	6	6	8	4	1	2
STUDENT UNIONS/ASSOCIATIONS	5	3	3	8	7	5	8	3	5	8

³⁶This category includes concerns regarding not being able to easily access academic advice from a knowledgeable person.

³⁷Includes Grades and Academic Standing.

³⁸Includes Transfer credits and Challenge credits.

³⁹Includes application of Student Code of Non-Academic Misconduct.

Please note that over the past ten years some categories of concerns have been removed as the very low numbers of complaints received did not justify their continued inclusion.

Status of Individuals Bringing Forward Concerns & Complaints

	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11	09/10	08/09
CONSTITUENCY										
ALUMNAE	9	19	15	7	6	11	10	8	11	22
APPLICANT	14	13	13	10	23	18	13	17	13	25
CONTINUING EDUCATION/PART-TIME DEGREE	61	55	45	62	79	81	87	76	106	95
FULL-TIME DEGREE	325	308	348	322	283	401	416	406	368	385
GRADUATE STUDENTS	54	75	32	58	58	40	49	27	41	25
MISCELLANEOUS (PARENTS, STAFF, ETC.)	70	71	68	61	34	42	42	37	40	34
TOTAL	533	541	521	520	483	593	617	571	579	586

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).

	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11	09/10	08/09
ACTION TAKEN										
ADVICE & REFERRAL	461	469	424	397	382	484	511	482	493	471
INFORMATION	0	0	2	5	10	1	3	1	2	10
INTERVENTION – CLARIFYING	33	28	38	37	33	48	37	39	42	43
INTERVENTION – MEDIATION	0	0	1	0	1	1	3	1	0	1
INTERVENTION – SHUTTLE DIPLOMACY	29	36	37	63	44	43	49	31	25	31
INVESTIGATION	10	8	19	18	13	16	14	17	17	30
TOTAL	533	541	521	520	483	593	617	571	579	586

Website Statistics for 2017/2018

The website of the Office of the Ombudsperson provides information, resources and links to frequently consulted policies, procedures, deadlines and referral points at Ryerson. It is designed to be as accessible as possible so that users can quickly acquire the knowledge they need to help prevent academic or administrative problems from arising. Our objective is to organize the information so that students can easily resolve existing concerns without ever having to contact our Office directly.

We are pleased to report that there was an overall 17% increase of users from 2016-2017 to 2017-2018 and an overall increase of 31% from 2015/2016 to 2016/2017.

The most frequently visited pages for 2017/2018 were the pages providing information on how to drop courses and programs and what to do in the event of missing an exam or classes. These two pages were also the most viewed pages for each month of the year.

We analyze the data on an ongoing basis including the volume of new and repeat users and found that of the total number of 14,948 were repeat users. This statistic indicates that more than half of all users visited our website more than once to seek additional information.

We analyze the user activity on an ongoing basis in order to improve the content so that users are more likely to be able to access the information they need to address their issues.

Year	Total Users	Average number of visitors/month	Months with most traffic (top 3 in descending order)	% increase monthly from previous year
2015/2016	15,420	1,285	March, November, April	n/a
2016/2017	20,247	1,687	March, November, October	31%
2017/2018	23,618	1,968	March, October, November	17%

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.



In Appreciation

As this is the last annual report I will write in the capacity of Ombudsperson at Ryerson University in that I have given notice of my intent to resign from this position early in 2019, I have been reflecting more deeply on my good fortune. I am very grateful to have had this opportunity to assist individuals to address their own particular concerns fairly and to contribute to systemic or system-wide fairness within the Ryerson community. While everyone in the Ryerson community has the same opportunity, I have had the good luck to be able to devote my attention exclusively to the pursuit of fairness.

I would like to acknowledge the great respect I have for those who have shared their complaints and concerns with this Office as they often do so under very trying circumstances. Similarly, I have great respect for the members of the Ryerson community who have contributed to students' success through their teaching, student support and/or administrative roles. As earning an undergraduate or graduate degree or a certificate or completing occasional CE courses can seem like a Sisyphean task for some students, not because they are arrogant as Sisyphus, the mythical Greek ruler was purported to have been, but because they have dealt with extraordinarily difficult circumstances repeatedly. We are fortunate to have been able to assist in addressing some of these situations. Also, I recognize how difficult and challenging it can be for Ryerson staff and faculty to assist students whose personal situations are extraordinarily demanding over the course of their academic journey. As I see many more students who have had more than their fair share of bad luck than those who enjoy immense privilege and need be reminded that they are not the sole authors of their good fortune, I am very grateful that this position exists and that I was lucky enough to have been hired to fulfill this role for many years.

Frequently, students will tell us how much they appreciate the respect shown; the attention dedicated; and the constructive and straight forward commentary provided while they have been attempting to resolve extraordinary problems. Not surprisingly, as we may be delivering bad news when we advise a student that we have found the University's actions to be fair and reasonable, we receive negative feedback when the student is disappointed in our conclusions. However, in the vast majority of instances, when we do not support a claim of unfairness and explain our reasoning to a student, we are told that the rigorous analysis dedicated to the review of the situation is appreciated and that the student is satisfied that nothing further should be done and they can move on. We appreciate these comments as everyone in the Office is dedicated to doing the best they can. Similarly, it is very gratifying when we point out to University personnel that we believe an error has been made and they respond appreciatively and indicate how much they value the opportunity to correct a mistake. Also, when our review demonstrates that the University has made a fair decision and we relay that conclusion to University personnel, we often hear how much the way we have conducted our analysis and communicated our results is appreciated. Occasionally, we also encounter pushback on matters that are surprising to me as the unfairness identified is so obvious when using a reasonable administrative fairness standard. Nonetheless, while puzzling at the time, these scenarios stimulate us to work harder at communicating more effectively what fairness requires in a wide range of situations.

I would also like to acknowledge the prescience of the Ryerson staff, faculty and students who established the Office of the Ombudsperson, in the late nineties, in the manner that they did - which is to contribute to fairness for all concerned and to be able to devote our efforts wholly to that purpose.

In closing I would like to thank all the members of the Ryerson community, past and present, who demonstrate a true understanding of and commitment to fairness for everyone and engage in respectful and constructive conflict resolution and decision-making. In addition, I would like to recognize the commitment of the members of the Ombudsperson Committee, past and present, who have provided their expertise and advice while demonstrating their support for and understanding of the pillars of independence, impartiality and confidentiality. I would also like to thank the staff, both past and present, who have contributed so much to the ethos of fairness within our Office and in the Ryerson community.

Respectfully submitted,

Nora Farrell

Ombudsperson at Ryerson University

Appendices

APPENDIX 1:

About the Office

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

STAFFED BY:

Nora Farrell

Ph.D., LL.M. (Osgoode), M.Ed. (UBC) [Ombudsperson]

Ayesha Adam

B. Proc., LL.M. (UKZN, South Africa) [Assistant Ombudsperson]

Gemma Kerr

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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.⁴⁰

⁴⁰ Office of the Ombudsperson at Ryerson University, "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 Community⁴¹

STUDENT ENROLMENT, FFTE⁴² 2011-2018

Year	Undergraduate Students	Graduate Students
2017/2018	32,302	2,208
2016/2017	31,575	2,120
2015/2016	30,531	2,048
2014/2015	28,963	1,961
2013/2014	27,369	1,940
2012/2013	25,466	1,931

CONTINUING EDUCATION STUDENT ENROLMENT 2011-2018

Year	Continuing Education Students, FFTE	Continuing Education Course Registrations ⁴³
2017/2018	2,859	67,619
2016/2017	2,792	66,461
2015/2016	2,710	66,000
2014/2015	2,673	67,735
2013/2014	3,077	69,549
2012/2013	3,046	68,294

TEACHING AND STAFF COMPLEMENT 2010-2017

Year	Tenure/ Tenure Track Faculty ⁴⁴	CUPE 1 Part-time and Sessional Instructors ⁴⁵	CUPE 2 Continuing Education Instructors ⁴⁶	Staff (FFTE) ⁴⁷
2017/2018	903	311	482	2,400
2016/2017	877	300	477	2,278
2015/2016	866	261	524	2,063
2014/2015	856	261	483	1,950
2013/2014	847	250	490	1,905
2012/2013	832	229	431	1,800

⁴¹ University Planning Office, 'Student Enrolment Overview' (2017/2018), online: Ryerson University <<http://www.ryerson.ca/upo>>.

⁴² 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. 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). Online: Ryerson University <<http://www.ryerson.ca/upo/FAQ>>.

⁴³ University Planning Office, 'Continuing Education 2017-18' online: Ryerson University <<https://www.ryerson.ca/upo/statistics/ced-2017>>.

⁴⁴ University Planning Office, 'Full-Time Faculty 2010-11 to 2017-18' online: Ryerson University <<http://www.ryerson.ca/upo/statistics/faculty-2010-2020>>.

⁴⁵ Senior Research Analyst, Ryerson University Planning Office.

⁴⁶ Teaching Support Services, 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 2011/2012 to 2017/2018.

⁴⁷ *Supra* note 41.

