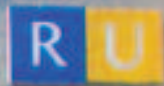




Office of the  
**Ombudsperson**  
at Ryerson University



# ANNUAL REPORT 19/20

Confidential · Impartial · Independent

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# FROM THE OMBUDSPERSON

## Co-operation, COVID and change

I want to express my sincere thanks to all those in the Ryerson community whom we have met with this year. Since March that has not been in person. Our office, like so much of the world under COVID, has been operating remotely. Students visit our website for information about our services, and we continue to be accessible by phone and email.

Whether virtual or not, we have found students, staff and faculty to be co-operative and helpful. During this disruption, the university has done a relatively good job of keeping students informed of changes through updates on its website, sharing information about internal and external supports for students. That includes peer support and counselling services offered through the Centre for Student Development and Counselling. However, results from a recent poll taken of students and faculty from across Ontario conducted by the Ontario Confederation of University Faculty Associations found that online learning negatively affects the quality of education. The survey also found that students and faculty are struggling with social isolation, stress, and a lack of institutional support (OCUFA 2020 Study: COVID-19 and the Impact on University Life and Education, November 2020). So, there is work to be done.

Most of the work our office conducts is informal. This year we decided to add some of those stories to our annual report. As well, we have made three systemic recommendations for the university to consider. All intend to improve the process, making it fair for everyone.

More than half of the academic misconduct complaints we received this year came during the last four months, that is, March to June. It's too early to say if this trend is linked to the move to online instruction in mid-March, heightened awareness by instructors, or even if this trend will continue. The Academic Integrity Office, however, reports a significant increase in the number of academic misconduct cases brought forward compared to last year. We will continue to monitor this situation.

As you can see from this year's cover, we have created a new logo for the office. We are also working on improving our process. We're finalizing arrangements to have a new case management system in place before the end of the academic year. It will allow us to manage and access our records more easily, remotely, and provide us with improved reporting capabilities. It will also allow the office to work more effectively and efficiently. I want to thank my two colleagues, Assistant Ombudspersons Ayesha Adam and Gemma Kerr, for their hard work and contributions this past year.

No doubt 2020/21 will bring even more change than 2019/20 did. Regardless, our office will continue to fulfil our mandate, which is concerned with ensuring that decisions affecting students are made promptly and fairly.

Yours sincerely,



**Kwame Addo**  
Ombudsperson

# WHO WE ARE

**Since 1997, the Office of the Ombudsperson at Ryerson University has been an independent, impartial investigator of complaints and an advisor to the university community on issues of fairness.**

## **The staff in the Ombuds Office**

- advise students of their rights and responsibilities
- help students lodge a complaint
- investigate student complaints
- keep all information confidential
- bring findings and recommendations to those in authority.

## **In doing this work, we aim to**

- make decisions promptly
- be fair and consistent
- point out any inadequacies in current policies and procedures
- identify systemic problems
- recommend remedies.

**Kwame Addo**, *Ombudsperson*

**Ayesha Adam**, *Assistant Ombudsperson*

**Gemma Kerr**, *Assistant Ombudsperson*



For more detail, go to  
[www.ryerson.ca/ombudsperson](http://www.ryerson.ca/ombudsperson)



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# HOW WE WORK

## For students, we

- discuss concerns or complaints
- review options and help assess these options so that the student can decide the best way to move forward
- help manage expectations
- provide coaching on how to approach the resolution of a dispute in a kind, calm and respectful manner
- may call to find out more if there is a gap in information or possible misunderstanding
- may engage in shuttle diplomacy or mediate if there is a chance for a mutually satisfactory and fair outcome
- may launch a fairness review to find out if the university has acted fairly if it becomes clear no other means will resolve the situation and the student has identified concerns that relate to fair treatment, process or outcome.

## For the Ryerson community, we

- review concerns and complaints to identify common trends
- analyze individual complaints to see if they point to a systemic or system-wide concern.

## We work to prevent unfairness by

- providing detailed information on our website on how to access policies, procedures and forms, along with explanations
- consulting on developing new policies and procedures
- leading training developed by the Office of the Ombudsperson
- consulting on university training initiatives, particularly those related to fair decision-making and effective conflict resolution.

### INDEPENDENTLY

We operate independently of the university, including all administrative and academic structures and the student government.

### CONFIDENTIALLY

We keep all information confidential, unless we have explicit permission for names or identifying details to be released and we consider it appropriate to do so.

### IMPARTIALLY

We consider all the information we receive with the highest degree of objectivity. We strive to ensure that all persons involved believe they have been treated fairly.



For more detail, go to  
[www.ryerson.ca/ombudsperson](http://www.ryerson.ca/ombudsperson)

# CASE STORIES

## FAIRNESS FOR INDIVIDUALS

At the Office of the Ombudsperson at Ryerson University we spend most of our time helping individuals resolve issues of fairness. The events in these stories happened in 2019-20. The results will affect many more than these individuals.

### COVID contributes to re-enrolment

KF contacted us because she was unable to enrol in a winter 2020 course. She mistakenly dropped the course when she attempted a course swap, by dropping one course and adding a different course at the same time. She could not complete the process, and when she tried to re-enrol in the original course she could not do that either.

She discussed the situation with the program director, who was unable to re-enrol her because the deadline had passed.

KF attended the first week of classes, with the professor's approval, so she would not fall behind. Once the second week began, the instructor started uploading assignments and labs onto the online portal, and KF was concerned she would have trouble accessing the materials.

We contacted Student Records and they reported that, according to the program, students were given several opportunities to make their course choices prior to the enrolment deadline. Their audit of KF's activities showed no attempt to switch courses. Based on the record of KF's enrolment activity and the report from the program director, Student Records denied her request.

We contacted Operations Support, which evaluates requests for late enrolment changes. They told us that, although they have the discretion to enrol KF, the circumstances did not warrant an intervention.

However, the timing of our inquiry was fortunate for KF. One week earlier, the university had shifted its instruction from in-person to virtual as a result of COVID-19. At our urging, the university agreed to reconsider KF's request in light of the unprecedented circumstances. Provided the program supported KF's late registration, the university was prepared to enrol her on a one-time basis, as a gesture of goodwill. The other condition for KF's enrolment was a written acknowledgement that the late enrolment could not be used as a ground for appealing her grade in the course.

With the two conditions satisfied, KF was allowed to enrol in the course and remain on track to graduate in the fall.

### Triggering a policy review

The university's Sexual Violence policy allows either the complainant or respondent to appeal a decision on the grounds of procedural error, new evidence, consistency of decision with the evidence, or reasonableness of the sanctions and remedies. Under the policy, other parties to the case are notified when there is an appeal and are invited to make their own written submission. The written policy is silent on sharing appeal information. The practice has been not to disclose details of the appeal as they can include sensitive information about an individual's physical and mental well-being.

This approach, however, makes it difficult for other parties to prepare a submission if they do not know the appellant's grounds for appeal, or what information was submitted to support the appeal.

We understand why Human Rights Services have taken this approach. However, there should be a way to balance the privacy concerns of appellants with the need to share enough information so that the other parties can prepare a strong submission for consideration.

We raised this issue with Human Rights Services, and they agreed to review their practice.

**“I truly thank you for your suggestions as well as your the time you took to consider my situation.”**

**Student**



### **Going from INC to F to a real grade**

EN enrolled in a course offered during winter 2019. Towards the end of the term, she was ill and could not deliver her final class presentation. This presentation was the only requirement that remained outstanding. She asked for and received an INC grade.

An INC grade is assigned when course work is incomplete, or a final exam is missed due to medical or compassionate grounds. An INC grade must be resolved within three months. It's replaced by a letter grade when the work is complete. If the work is not completed by the deadline, the INC becomes an F.

EN told us that since receiving an INC in spring 2019, she had tried to finalize arrangements with the professor to deliver the presentation on several occasions without success.

When EN contacted us in February 2020, she had not met or discussed the situation with the program since early January, despite her attempts to do so. By this time the INC had reverted to an F. We contacted the program advisor and she expressed surprise that the matter was still outstanding. She said the professor was still able to submit a grade revision and agreed to raise the matter with him again. We encouraged EN to follow up with the professor as well.

EN met with the professor in March 2020 and resolved the matter. The professor determined that EN sufficiently demonstrated that she had completed the outstanding work.

As a result, EN's mark on RAMSS would change from an F to one that demonstrated her understanding of the course material.

### **Getting permission by deadline**

RJ needed help in obtaining a Letter of Permission (LOP) from their program to take a course offered at another university and have it applied towards their Ryerson program. The course was a prerequisite for several courses they wished to take in the fall 2020 term.

An LOP request normally takes 10 business days. RJ submitted their request nine days before the enrolment deadline at the other university and was concerned that the request might not be processed in time.

We contacted the Curriculum Management Office and spoke with one of its advisors, stressing the time sensitivity of RJ's request. They confirmed that the LOP application was sent to the dean for further review by the program director, reminding the program of the urgency of the matter.

Later the same afternoon, the curriculum advising officer told us the dean had approved the LOP request and that an official response would be ready in time for RJ to meet the enrolment deadline, set for the following day.

RJ let us know that they received the LOP, allowing them to enrol in the course.

### **Clearing confusion leads to re-enrolment**

DH contacted us on the advice of the student advocate. DH wanted to enrol in a 2020 spring/summer course so that he could graduate in fall 2020. Although he wasn't officially registered in the course, he was attending classes and had received approval from the instructor to take the course. DH maintained that if his enrolment was not addressed quickly, he could not continue.

**“I just wanted to sincerely thank you for all your help! ... Thank you so much!!!! Such a big help!!!!”**

**Student**

The program told him it offered spring/summer courses to address the needs of students who were adversely affected by international travel or co-op placements. Since he didn't fall into either category, they recommended DH take his remaining courses in fall 2020 or winter 2021.

DH took the matter to the dean. When we spoke to DH, he had not received a response. Due to the time sensitivity, we asked the program for an update. Subsequently, DH told us he received a message from the instructor saying he could enrol in the course, which he did.

### **Consistent wording leads to restored status**

JB was concerned about her short-term withdrawal. She had not attended classes for three semesters and had requested a short-term withdrawal for a further three semesters. She received a notice saying she would be discontinued as she had not enrolled in courses for six consecutive semesters.

JB argued that she had attended courses within six semesters and should not be discontinued.

The Registrar's website says undergraduate students can temporarily withdraw from their program for the current academic term or for future terms for financial, health, or personal reasons. The academic calendar also says students are required to enrol and complete courses within six semesters or be discontinued from their program. However, searching further into the registrar's website, we found a screenshot of the acknowledgement page completed by students requesting short-term withdrawals. The acknowledgement said students were required to enrol in courses within six semesters or they would be discontinued. It did not say they were required to complete the courses.

With this acknowledgement, we spoke with the Registrar's Office. They put in a request to have their website changed as soon as possible, so that the wording on the acknowledgment section of the short-term withdrawal request form aligned with the calendar.

And, they removed the discontinuation status from JB's record.

### **Improving communication**

Should a student who has registered and paid for a Chang School course receive notice of a conditional enrolment, the school will hold a spot in the course while it confirms that the student has satisfied all the enrolment conditions.

If the review confirms a student's ineligibility, the school will send a template email informing them of the decision and the reason why they cannot be enrolled. The email also notes that a student can expect to receive a full refund within five business days. However, if a student owes money to the university, any payment received will be applied to the outstanding balance first.


The Chang School acknowledged that its template email did not include any reference to the university's policy of applying payment to an existing balance. The school explained that students receive an email following registration that would have included this statement: "Keeping in mind, having registered in a certificate program, you have agreed to Ryerson's policies and procedures outlined in the Chang School publications and on its website.

Further, under the heading Outstanding Fees, the Chang School website says, "If you have any outstanding fees owed to Ryerson, any payment will first be applied to the existing balance." The Chang School advised that similar wording can be found on its website under Conditional Enrolment. Students are also directed to read the registration policies before they enter their payment information, and they must agree to the policies before they can check out.

Nonetheless, the university recognized that the first template email needed revising.

The Chang School agreed to update the enrolment policies on its website, the email template used to notify students, and the pop-up message and policies on the checkout pages, to ensure that the information provided to students is consistent and clear.





**“I wanted to take the time to thank you as well. At first I was so distraught that I wasn't sure if I should even appeal, but you gave me encouragement to take the first steps.”**

**Student**

# RECOMMENDATIONS

## The Office of the Ombudsperson has a duty to identify systemic problems and recommend remedies.

### Follow the intent of policy, with least harm to the student

Most students are familiar with Senate policies. Those wishing to appeal a grade or academic standing on health and compassionate grounds, for example, must follow Senate Policy 168 (formerly Senate policies 134 and 152) and its procedures. A separate policy exists for concerns related to academic integrity issues.

A policy, however, cannot be expected to address every possible contingency. Attempting to do so would make its application unwieldy.

That said, we observed on several occasions this year where the university has made decisions that do not appear to be in accordance with, or authorized by, the applicable policy. This was done at the expense of the student involved.

In one example, a student asked Human Rights Services (HRS) to look into his complaint of discrimination, but HRS declined. In their response to the student, they wrote that because he had appeals pending before the Senate, any review of his complaint by HRS would have to wait until those processes concluded. They took this position even though the matter complained about was not related to his appeals.

In another example, the Senate Office, in addition to distributing the appeal submissions to the parties and the Hearing Panel, included a third submission prepared by the office, responding to allegations in the appellant's appeal letter.

The student was told he could raise his objections about the Senate Office's submission at the hearing.

These examples concern us for several reasons.

The Discrimination and Harassment Prevention Policy allows HRS to refuse to investigate a concern if it believes the complaint is trivial, vexatious, or made in bad faith. None of these criteria applied in this instance, and the university did not explain the authority it relied on to make its decision. Although it may seem reasonable from an efficiency point of view, this refusal appears to run counter to the policy, which is committed to fostering an environment free of discrimination and harassment. Decisions that diverge from the policy should not be made for the sake of convenience.

HRS could have assessed the student's complaint to determine if a more formal review was necessary. If the student experienced discrimination, steps should have been taken to address it.

Policy 168 says the Senate Office is responsible for distributing all appeal material for all Senate level appeals of grade and standing along with issuing all final decision letters to all parties. But, page two of the Grade/Standing Appeal Form used by students says, "I understand that, other than material presented by me [appellant] or the respondent, and any relevant academic records, no other materials will be considered by the hearing panel in this appeal without the consent of both parties."

Senate policy, however, does not give the office the authority to intervene in an ongoing appeal. The decision to send additional information to the hearing panel without the consent of either party is inconsistent with the policy.

The parties to an appeal are those whose rights are affected by the decision-maker's final decision (BC Administrative Decision-Maker's Manual). The Senate Office is not a party to the proceeding. Nor does it have adjudicative powers. It can recommend dismissal of an appeal, if it believes that the student has not met the grounds, or they have not demonstrated where the error has been made with previous decisions (Policy 168). But even then, the Senate Appeals Committee determines whether the appeal will be heard or whether it will uphold the recommendation to dismiss.

Deciding on the merits of the appeal, making judgments about credibility and deciding how much weight is given to a piece of evidence is for a hearing panel to decide. The submission from the Senate Office refuting the student's comments has the potential to taint the panel. Waiting until the hearing to allow a student to present their objections to the university's decision is not a viable remedy, as the damage to the student's credibility cannot be undone. If the panel has questions about the student's comments, they can test the student's evidence under questioning.



Policy 168 says it should be applied in a way that is consistent with the principles of natural justice. Further, Senate decisions are final and cannot be reconsidered. A favourable decision at Senate can mean the difference between a student remaining in their program or being forced to leave school. Therefore it is critical that the process followed be consistent with policy and procedure.

Where a policy is silent or ambiguous as to how it applies to a specific situation, consideration should be given to interpreting the policy broadly, so as not to unfairly disadvantage the student. The Student Appeals, Rights & Discipline Policy at Queen's University has adopted such an approach. It says, "This policy, and any supplementary rules of procedure and directions, shall be liberally construed to secure the just, most expeditious and cost-effective determination of every proceeding on its merits."

Policies and procedures provide a roadmap for decision-makers and students. They become meaningless, however, if decision-makers can choose to disregard them when it is convenient or to their advantage. If amendments are needed, or gaps in policy are identified, those issues can be addressed through the scheduled review associated with the policy.

Simply because the policy does not prevent the university from taking a particular course of action that does not mean that it is fair to do so.

## RECOMMENDATION 1

The university should ensure that its decisions adhere to applicable policy and procedure. In circumstances where the policy may be unclear, or where the procedural matter is not dealt with specifically in the policy, it should be decided in a manner that results in the least harm to the student, while still observing the spirit of the policy.

### Respond in good time

Concerns about the timeliness of decisions are not a recent trend. My predecessor, Nora Farrell, described a similar concern in her 2016/2017 report. At the time, she suggested that staff make every effort to be responsive to reasonable requests for assistance in a timely and appropriate manner.

This year, we handled several cases where students experienced unreasonably long delays before receiving a response from the university.

In one, a student's lawyer wrote to the dean in January, asking that the program reinstate his client following the notice of her permanent program withdrawal 13 months earlier. The lawyer said his client's circumstances prevented her from appealing sooner. The lawyer sent several emails to the dean and associate dean in March, April, and May, without receiving an answer. The university finally issued a response, denying the student's request four months after her lawyer first contacted the school.

In June, a student wrote to the dean asking her office to investigate her allegation of unfair treatment. She received a response the next day, telling her that the associate dean would contact her in early July when she returned to campus. When the student contacted her office in July, the program wrote to tell her that the associate dean was on vacation until mid-August, and following her return, she should expect to receive a response. The student wrote again in August. The associate dean responded two months after the student first raised the concern.

Another student wrote six emails to his program asking for an explanation for a recent decision. The program responded only after our office intervened.

Our office waited nearly five-months for a response to an investigation report.

One element of procedural fairness, which speaks to how a decision is made, considers whether the decision was made in a reasonable time. An untimely response can make a stressful situation more stressful for some students, especially those who have time-sensitive requests.

Best practice suggests that a decision be communicated as soon as is reasonably possible (Fairness by Design: An Administrative Fairness Self-Assessment Guide, British Columbia Ombudsperson). At a minimum, a student's request should be acknowledged. In many cases, a response can be provided in the initial exchange. However, where more time is needed to research a request or conduct an investigation the responder should provide a realistic timeframe.

If there is some unforeseen delay, or if the time required to provide an answer takes longer than first anticipated, the student should be told the reason for the delay and given a revised timeline. In their article, Speed of Decision-making as a Procedural Justice Principle, Finnish researchers found that time has become more important for people in judging the fairness of the decision-making process (Valkeapaa and Seppala, 2014). Being responsive to requests can also show students that their issues are being taken seriously and may even lessen the likelihood of a negative interaction.

Timeliness is not an issue unique to Ryerson. In its May 2015 publication, *Fairness is Everyone's Concern*, the Association of Canadian College and University Ombudspersons reported that "the one element of procedural fairness that continues to be problematic at Western University is timeliness. Specifically, are decisions delivered within a reasonable time?"

Some provincial and municipal governments have developed service standards to guide staff interactions with the public. At the City of Toronto, for example, emails must be acknowledged in 48 hours and telephone calls returned in one business day. While each city division is responsible for developing and managing its own complaint processes, the city also created a complaint handling procedure for divisions to follow, which includes guiding principles such as confidentiality and responsiveness. According to the City of Toronto Corporate Complaint Handling Procedure, the procedure requires that

- all complaints should be acknowledged and resolved in a timely manner
- complainants should receive notification of receipt of the complaint including the timeframe for resolution,
- complainants should be kept informed of delays.

The Office of the Ombudsperson at the University of British Columbia has created a Fairness Checklist for faculty and staff that describes "concepts of fairness within a university setting." Under the heading Response to Inquiries, the checklist asks decision-makers to consider whether their unit has "established guidelines about acceptable timelines to respond to telephone, email, and in-person inquiries," and whether those response times are monitored.

Although Ryerson doesn't have an overarching framework similar to the City of Toronto, timelines or deadlines are not completely absent from university decision-making. Under Senate Policy 168 (formerly Senate policies 134 and 152), departments and faculties must respond within 10 business days to a student appeal. Policy 60 (Academic Integrity) also requires students to submit an appeal to the Academic Integrity Committee within 10 business days after receiving the decision letter.

Some areas of the university that deal with high volumes of inquiries use an automated reply in their initial response. The message informs the sender that, due to high volumes, responses might be delayed, or in another example, that a reply will be sent within two to three business days.

Being responsive to student's requests or inquiries should be the goal of faculty and staff. Establishing guidelines along the lines of the questions in the University of British Columbia Ombudsperson's checklist could assist the university in achieving that goal. Ryerson already sets timelines for responding in its formal appeal processes, and some areas of the university that experience high volume requests already signal to students that there may be delays, or indicate in their initial response when a student can expect a reply.

If the university believes a guideline is too prescriptive, it should find some other means of ensuring that the principle of timely responding is conveyed and observed.

In response to the pandemic, the university has moved to applications such as Zoom and Google Meet, and placed a greater reliance on email to communicate. While students need to be reasonable about response times, it is important now, more than ever, that faculty and university staff do their best to guard against preventable delays.

Most people are familiar with the maxim, justice delayed is justice denied. A fair process must also include timely decision-making.

## RECOMMENDATION 2

The university should provide guidance to faculty and staff to ensure that requests and inquiries from students are answered in a reasonable time. This guidance could come in the form of a guideline, or by any other means the university believes is necessary to ensure that responses to student requests or inquiries are not subject to unreasonable delays.

### Dealing with unreasonable complainant conduct

Rarely does a student with a complaint behave unreasonably. That can include refusing to accept the university's decision, inundating staff with emails or phone calls, making excessive demands, or being rude.

Dealing with this unreasonable behaviour can take up a disproportionate amount of the university's time and resources at the expense of other students. It also adds stress for those who have to deal with the offensive behaviours.



The university must protect its employees from unreasonable complainant behaviour. Ryerson has several policies, including the Acceptable Use of Information Technology policy and the Student Code of Conduct that address some aspects of student behaviour. Students found to contravene these policies could find their access to IT resources suspended or be required to apologize, pay restitution, or in more serious cases, be suspended.

While the university is within its right to address incidents of unreasonable behaviour, fairness must remain a priority.

Certain behaviours, including the use of discriminatory, sexist or threatening language, should not be tolerated under any circumstances. Some students, however, may have legitimate concerns, but because they do not present their case in an “appropriate” manner, issues can be missed, or decision-makers may find it convenient to dismiss the student as difficult or a nuisance. These terms focus on labelling the person rather than on managing how to respond to their behaviour—the real issue.

What could stem from a student’s unmet expectations. For example, is there a disconnect between the remedy a student is seeking and what the university can deliver? The attitude of the student or the responder could be a factor, or it might come down to a simple misunderstanding. Issues related to the handling of the complaint by the university could also be at issue, such as undue delays, a failure to provide regular progress updates, or ignoring the student’s requests altogether.

**“Thank you so much for all of your help. I wouldn't have been able to do it without your help.**

**This is very huge for my education here at Ryerson and you have no idea how much I appreciate everything you've done to help in such a timely manner.”**

**Student**

The New South Wales Ombudsman defines five categories of unreasonable conduct:

- unreasonable persistence: refusing to accept a final decision
- unreasonable demand: insisting on outcomes that are unattainable
- unreasonable lack of cooperation: failing to provide relevant information even if it may be adverse to their position, unwilling to consider other valid viewpoints
- unreasonable arguments: holding to a position not supported by the evidence
- unreasonable behaviour: exhibiting aggression, verbal abuse, threats or threatening violent conduct.

In the Ombuds world, Australia is recognized as one of the leading practitioners when it comes to dealing with unreasonable complainant behaviour. The New South Wales Ombudsman for example, has written a practice manual (Managing Unreasonable Complainant Conduct Practice Manual), a model policy and procedure (Unreasonable Complainant Conduct Model Policy), and developed training to support frontline staff and management. According to them a policy on managing unreasonable complainant behaviour should include:

- clear guidance about the authority provided to frontline staff and senior management
- an explanation of when it is appropriate to change or restrict access to services
- a range of service restrictions
- guidance about the types of factors to be considered
- procedures for communicating with complainants
- a centralized system for reporting to help manage and review the cases
- a standard process for reviewing decisions.



The Office of the Independent Adjudicator in the United Kingdom, which reviews complaints from students about their post-secondary institutions, suggests that it is good practice for schools to develop policies for dealing with students who may have valid complaints but pursue them in an unreasonable manner (Good Practice Framework—Handling Complaints and Academic Appeals, Office of the Independent Adjudicator).

Establishing a policy can help to guide staff when responding to challenging behaviour. Care, however, must be taken to ensure that sanctions or service restrictions are not the first response to a student who expresses continued frustration or dissatisfaction with the handling of their matter. Restrictions should only be applied in cases where an individual's behaviour is deemed to be unreasonable and where it is clear no attempt has been made to modify their conduct after the matter has been brought to their attention. In its Managing Unreasonable Complaint Conduct Manual, the New South Wales Ombudsman says an unreasonable complainant conduct policy “should never be applied in ways that go beyond what is appropriate and necessary to manage a complainant's conduct and must always be proportionate to the complainant's personal circumstances. The aim when applying such policies should not be to punish the complainant but rather to manage the impacts of their conduct.”

Training, therefore, is an important accompaniment to a policy designed to address unreasonable behaviour. Further, staff responsible for applying the policy must be supported by management so that they are free to take appropriate action without fear of being disciplined.

Several organizations, particularly those in the complaint handling world (BC Ombudsperson and Ombudsman Toronto), have taken to posting expectations—what complainants can expect from them when they file a complaint and what they expect in return from individuals filing a complaint. The posted content may include references to relevant policy or how the organization will respond in the face of abuse, harassment, or any other form of inappropriate behaviour

In its Guidance on managing unreasonable complainant behaviour, the UK's Local Government & Special Care Ombudsman writes “[a] considered, policy-led approach helps staff to understand clearly what is expected of them, what options for action are available, and who can authorise these actions. A policy that can be shared with complainants if they start to behave unreasonably can help in managing their expectations and their behaviour, as far as possible, while the substance of their complaint is addressed.”

Organizations can help prevent incidents of unreasonable complainant behaviour by practising good complaint handling (Dealing with Challenging Behaviour, Victoria Ombudsman). Complaint handlers should be upfront about what they can or cannot do. They should provide the complainant with an explanation as to how they will deal with their complaint, what issues they will or will not address, and an expected timeframe for a response. Finally, once a decision is reached, an explanation is provided to the complainant for the decision, how it was reached, along with reasons.

The process used to resolve a complaint will influence an individual's perception about the fairness of the decision-making process. “If people who make complaints see the complaint handling process as fair and reasonable, believe they were treated with respect and given enough information, they are more likely to accept decisions or outcomes that are unfavourable to them”(Managing Unreasonable Conduct by a Complainant: A manual for frontline staff, supervisors and senior managers, New South Wales Ombudsman).

### RECOMMENDATION 3

The university should consider developing a policy and procedure that deals with unreasonable complainant behaviour. The policy should specify the type of behaviours that are considered unacceptable and when it would be appropriate to change or restrict access to staff or services as a result. If a decision is made to impose service restrictions, the student should be informed why the decision has been made, how long the measures will be in effect, whether the decision can be reconsidered, and when the measures will be reviewed.

**“Thank you for providing me with this information and for all of your help.”**

**Student**

# RESPONSE TO RYERSON UNIVERSITY'S 2019-20 OMBUDSPERSON REPORT

Dear Mr. Addo,

Please find below an overview of the University's responses, as well as commitments, to the recommendations provided in the 2019-20 Ombudsperson Annual Report. We are very grateful for your input and thank you for your important work to strengthen Ryerson's community engagement and processes.

## Follow the intent of policy, with least harm to the student

Ryerson provided the following suggestion regarding following policy intent:

- 1) The University should ensure that its decisions adhere to applicable policy and procedure. In circumstances where the policy may be unclear, or where the procedural matter is not dealt with specifically in the policy, it should be decided in a manner that results in the least harm to the student, while still observing the spirit of the policy.

*The University is unable to speak to a particular case, and would like to confirm that we prioritize students in all of its decision making, and remains committed to following policies and procedures as they are written. The University also appreciates and supports the important role of the Office of the Secretary of Senate, which is responsible for administering Senate policies.*

*Students and faculty who sit on the Senate Committees are required to make decisions in accordance with Ryerson's policies and the principles of fairness and natural justice.*

*The University is happy to work with the Ombudsperson to resolve any issues or ambiguities, as we want to continue to improve our processes with your input. We value your guidance, and look forward to working with you on these and other issues in the months ahead.*

## Responding in good time

Ryerson provided the following suggestion regarding response timing:

- 1) The University should provide guidance to faculty and staff to ensure that requests and inquiries from students are answered in a reasonable time. This guidance could come in the form of a guideline, or by any other means the University believes is necessary to ensure that responses to student's requests or inquiries are not subject to unreasonable delays.

*In efforts to ensure that responses to students' requests or inquiries are not subject to unreasonable delays, the University is exploring the implementation of additional communication resources to ensure students have access to the information they need in a timely manner.*

*This important recommendation is incorporated into a number of policies. For example, in Ryerson's Policy 168 (Grade and Standing Appeals), a timeline for faculty to respond to appeals and to provide follow up if the deadline cannot be met was added to improve the process for students. Policy 60 (Academic Integrity) also notes that students will be notified if extended time is needed.*

*Further, Ryerson is exploring the creation of a "response toolkit" to be provided to Faculties for their use. This could include recommendations on response timelines, but also web content (e.g. contact directory,*

*issues flowchart, FAQs, etc.) highlighting the resources that are available to students to address commonly asked questions/areas of inquiry. The intent would be to build awareness for existing processes and protocols to support students with problem solving, and to encourage them to use those resources instead of having to wait for a personal response via email or phone, where possible.*

## Dealing with unreasonable complainant conduct

Ryerson provided the following suggestion regarding unreasonable complaint conduct:

- 1) The University should consider developing a policy and procedure that deals with unreasonable complainant behaviour. The policy should specify the type of behaviours that are considered unacceptable, and when it would be appropriate to change or restrict access to staff or services as a result. If a decision is made to impose service restrictions, the student should be informed why the decision has been made, how long the measures will be in effect, whether the decision can be reconsidered, and when the measures will be reviewed.

*We agree that this requires further consideration. Ryerson's Policy 61 (Student Code of Non-Academic Conduct) outlines the policies and procedures for addressing inappropriate non-academic student conduct, including behaviour that is disruptive, threatening, malicious, or that involves misuse of University resources. When a student is found in breach of the policy, penalties can be assigned that include restricting access to staff or services. If penalties are assigned, the policy and procedures require students to be informed as to why the decision has been made, the penalties or remedies assigned, and their avenues to appeal the decision and the sanctions assigned. In practice, complainants and respondents are informed about the length of particular penalties. It is important that community members engage Policy 61 when addressing inappropriate non-academic student conduct.*

*To that end, Ryerson is currently in the process of reviewing and updating its Policy 61 Student Code of Non-Academic Conduct, and the review committee is committed to continuing procedures that require decision-makers to inform students of decisions or issues under the Code, including the penalties assigned and its duration, as well as other feedback provided here by the Office of the Ombudsperson.*

*In addition, the University's Student Care office is available to support students who are in distress or who demonstrate disruptive behaviour – often before the need to activate a policy. Student Care works with the University community to proactively identify students who may benefit from its services, and offers assistance with early intervention and crisis prevention, complaint resolution, academic and administrative system navigation, complex case management, and self-advocacy coaching. The office also provides faculty and staff with tools for conflict resolution, case management and student development. While upholding and promoting the University's community standards of respect, civility and safety, the office believes that students can grow from difficult or negative experiences so they remain successful in their academic and personal lives.*

# PROGRESS ON RYERSON UNIVERSITY'S 2018-2019 OMBUDSPERSON REPORT

Dear Mr. Addo,

Please find below an overview of the University's responses, commitments and progress updates to the recommendations provided in "Listening & Learning", the 2018-19 Ombudsperson report.

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 these issues as we continue to adapt and strengthen the support systems offered for student success and community integrity.

Thank you for the vital role that you play in maintaining a respectful dialogue between students, administrators and faculty. We appreciate your leadership and your ongoing commitment to fairness.

## Residence Appeals

Ryerson provided the following suggestion to address the recommendation of amending the residence appeal process, which has been progressing as follows:

- 1) That the University works together with Canadian Student Communities Inc. (CSCI)/HOEM to amend the appeal process. The new appeal procedures should use the same criteria and escalation process for addressing fee withdrawal requests and violations of the Housing and Residence Life's Community Standards. This appeal process would be available to all students, whether they live in a Ryerson-owned building or HOEM.

*In response, Ryerson noted that students residing within Ryerson-owned buildings and HOEM should have the same experience as it relates to residence appeals, where possible. Ryerson committed to Student Housing & Community Care undertaking a review of existing agreements to determine if appeal processes between Ryerson-owned buildings and HOEM could be aligned.*

*CSCI and Ryerson have since revised the operating agreement for the 2020/21 academic year. For the 2020/21 academic year, the parties agreed that CSCI will be fully responsible for all administrative aspects of the operations, including processing applications, room assignments, withdrawal processes, and accepting payments responding to and supporting all student issues, including student behaviour. All students were made aware of this reorganization ahead of the 2020 residence application process.*

*Further, we continue to make every effort via direct communication and the information available on the Housing & Residence Life website to ensure that, when registering for their residence placement, students understand that the HOEM building is not Ryerson owned, and that all administrative aspects and decision making, including the terms of the contract such as withdrawals, applications, and fee collection (as previously mentioned) are managed through HOEM staff.*

## Fee Appeals

Ryerson provided the following two suggestions to address the concerns regarding fee appeals, which have been progressing as follows:

- 1) I recommend that the University formalize the practice of reconsidering a student's unfavourable fee appeal decision so that this option is available for all students.

*In response, the Office of the Registrar agreed to formalize the practice of reconsidering a student's unfavourable fee appeal decision in order to create a more flexible and transparent fee appeal review process. As such, the Office of the Registrar committed to researching best practices at Ontario universities that have a second-level fee appeal process and, based on outcomes, would formalize the process for students to apply for reconsideration of their fee appeal decisions.*

*After researching best practices at Ontario universities, a second level fee appeal process was established for Ryerson students to appeal the outcome of their fee appeal.*

- 2) I recommend that the Office of the Registrar develop criteria under which a student would be permitted to request reconsideration of an unfavourable decision. The criteria and accompanying process is to be included in the Fee Appeal Process and publicized on the Office of the Registrar's website.

*In response, Ryerson agreed that the Fee Appeal Committee would develop criteria and an accompanying process which will allow students to file a second-level appeal on an unfavourable decision. The University committed to updating the Office of the Registrar's website, including the Fee Appeal Process page and the Fee Appeal Application, to clearly articulate the criteria and process for students to apply for a second-level fee appeal.*

*The Fee Appeal Process web page on the Office of the Registrar's website has since been updated to include text that confirms the second-level appeal process. Specifically, students who have completed a fee appeal and have received an outcome may complete a second-level appeal if they have new information to present that was not previously considered in the first-level appeal. This new information must be added to the Second Level Appeal Form, which is shared with students in the Fee Appeal Decision email (where applicable).*



# STAYING CONNECTED



## We share our expertise with Ombuds organizations from within Canada and around the world.

We met with the Veterans Ombudsman last August and with his deputy in November, to talk about our respective mandates and our approach to complaint resolution. We also hosted a delegation from the National Ombudsman of Botswana. That office is responsible for investigating allegations of maladministration within the public service, which also includes oversight of its public universities. The investigators who visited the office were interested in meeting the Ryerson Ombuds team and to learn more about how we carry out our mandate.

In addition to meeting with the ombuds' offices, we conduct what we call preventative ombuds work, assisting the university with addressing concerns at the earliest stage. This is accomplished through consultation and conflict coaching with faculty and staff. Last year, we delivered 14 presentations, including one-on-one meetings, with members of the Ryerson community about the role and function of our office.

*Photo: Ipeleng Makaba and Matlabuseo Dambe of the National Ombudsman of Botswana with Ryerson Ombudsperson Kwame Addo.*

# 2019/20 AT A GLANCE

## INVESTIGATIONS COMPLETED

 **19**

### TOP 4 CONCERNS WE HEARD ABOUT:





## HOW PEOPLE CONTACTED US



**27%**

TELEPHONE



**54%**

EMAIL



**15%**

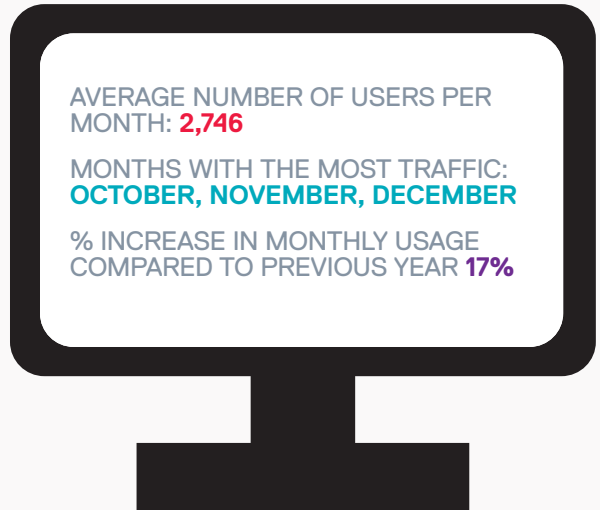
DROP-IN



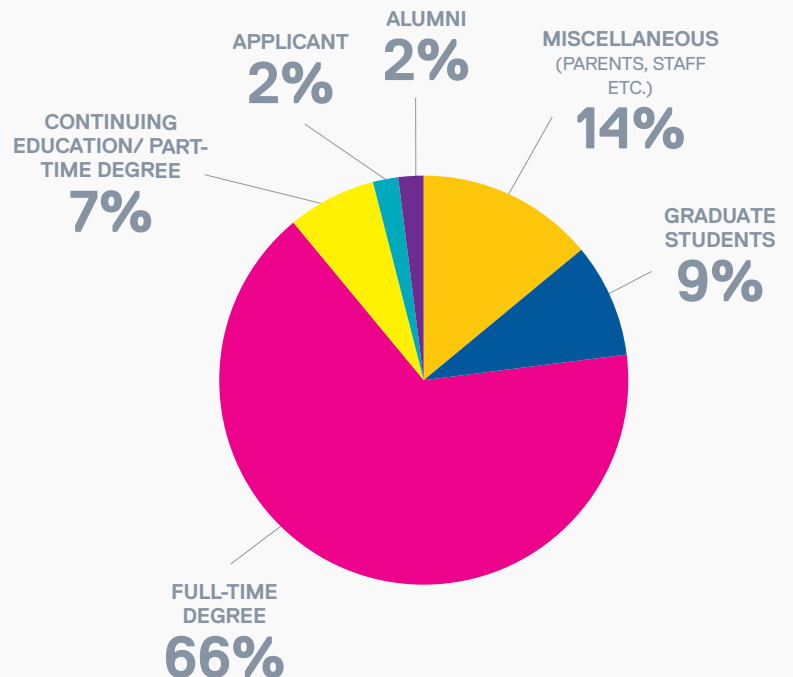
**4%**

APPOINTMENT

## WEBSITE VISITS



## WHO CONTACTED US



# TYPES OF CONCERNS

YEAR	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11
Academic Advice	114	180	156	197	181	151	133	192	177	138
Academic Appeals	82	61	71	62	85	83	95	102	103	107
Academic Misconduct	42	25	44	40	36	55	41	49	61	70
Accessibility	21	19	26	21	23	21	18	27	25	33
Advancement & Development	0	1	1	3	1	0	0	0	0	1
Admissions (Undergraduate)	12	11	18	20	11	15	20	20	11	17
Admissions (Graduate)	2	5	4	2	4	1	3	4	5	4
Ancillary Services	2	0	2	0	2	0	1	1	2	1
Campus Planning & Facilities	2	2	5	2	3	0	2	0	3	0
Conduct – Instructor/Faculty/Supervisor	38	55	63	59	54	61	51	62	53	57
Conduct – Staff	6	16	27	21	12	8	8	8	8	13
Conduct – Student	9	5	11	9	6	3	4	4	8	9
Confidentiality	0	0	3	0	0	1	3	0	0	4
Curriculum Advising	10	7	0	8	9	7	4	11	3	7
Enrollment Services	22	11	29	19	19	23	17	29	45	24
Fees	35	34	19	19	21	8	27	14	21	7
Financial Assistance	6	18	20	23	21	24	16	18	20	16
Information Requests – No Complaint	15	2	5	2	0	0	3	1	5	2
Library	1	0	1	0	0	0	1	0	4	2
Outside Jurisdiction	10	16	13	15	16	14	9	13	13	13
Practicum/Placement (Administration & Availability)	6	12	4	7	4	22	5	9	11	4
Reinstatement/Readmission	1	0	0	3	1	5	6	11	14	27
Residence	7	4	0	0	3	1	0	2	1	3
Safety & Security	3	4	1	4	2	2	3	2	5	2
Sports & Recreation	0	1	1	1	2	0	0	2	0	1
Student Services	6	5	4	1	2	6	6	6	8	4
Student Unions/Associations	5	8	5	3	3	8	7	5	8	3
<b>Total</b>	<b>457</b>	<b>502</b>	<b>533</b>	<b>541</b>	<b>521</b>	<b>520</b>	<b>483</b>	<b>593</b>	<b>617</b>	<b>571</b>

# WHO COMPLAINS

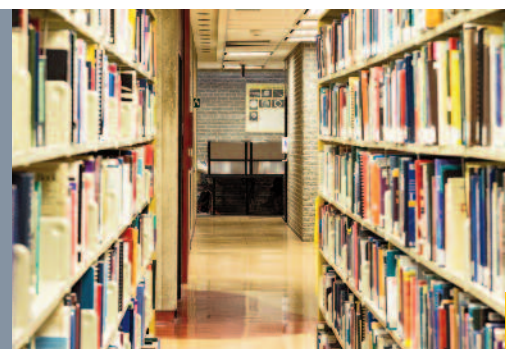
YEAR	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11
Alumnae	8	9	9	19	15	7	6	11	10	8
Applicant	8	16	14	13	13	10	23	18	13	17
Continuing Education/ Part-Time Degree	32	45	61	55	45	62	79	81	87	76
Full-Time Degree	304	306	325	308	348	322	283	401	416	406
Graduate Students	39	67	54	75	32	58	58	40	49	27
Other (parents, staff, etc.)	66	59	70	71	68	61	34	42	42	37
<b>Total</b>	<b>457</b>	<b>502</b>	<b>533</b>	<b>541</b>	<b>521</b>	<b>520</b>	<b>483</b>	<b>593</b>	<b>617</b>	<b>571</b>

# ACTION TAKEN

YEAR	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11
Advice & Referral	382	429	461	469	424	397	382	484	511	482
Information	10	2	0	0	2	5	10	1	3	1
Intervention – Clarifying	37	27	33	28	38	37	33	48	37	39
Intervention – Mediation	2	1	0	0	1	0	1	1	3	1
Intervention – Shuttle Diplomacy	7	35	29	36	37	63	44	43	49	31
Investigation	19	8	10	8	19	18	13	16	14	17
<b>Total</b>	<b>457</b>	<b>502</b>	<b>533</b>	<b>541</b>	<b>521</b>	<b>520</b>	<b>483</b>	<b>593</b>	<b>617</b>	<b>571</b>

“I wanted to take the time to thank you as well. At first I was so distraught that I wasn't sure if I should even appeal, but you gave me encouragement to take the first steps.”

Student



# WEBSITE STATISTICS

The website of the Office of the Ombudsperson provides information and links to frequently consulted policies, procedures, deadlines and referral points at Ryerson, including helpful tips on how to resolve concerns independently without having to contact our offices directly.

We aim to organize the information in an easily accessible format, and to update the information on the Website to be a helpful resource to the community.

We analyze the user data on an ongoing basis including numbers for new and repeat users, and are pleased to report that there has been a 17% increase in the number of new users accessing the Website in the 2019-2020 year, and the numbers of the total users for 2019-2020 year has increased to 32,952 of which more than 70% were repeat users.

There was an average of 2,746 visitors monthly.

Year	Total Users	Average number of visitors/month	Months with most traffic (top 3 in descending order)	% increase monthly from previous year
2016/2017	20,247	1,687	March, November, October	31%
2017/2018	23,618	1,968	March, October, November	17%
2018/2019	27,245	2,270	March, April, October	15%
2019/2020	32,952	2,746	October, November, December	17%



**“Thank you so very much for all your help and your time into this matter.**

**I am very happy to see there are people like you out there helping people to overcome their problems. Thank you so much for everything you are doing to help me and people in their hardest situation.”**

**Student**

# INFORMATION ILLUSTRATING THE SIZE OF THE RYERSON UNIVERSITY COMMUNITY

## STUDENT ENROLMENT, FFTE 2014-2020

Year	Undergraduate Students	Graduate Students
2019/2020	33,753	2,386
2018/2019	34,270	2,274
2017/2018	32,302	2,208
2016/2017	31,575	2,120
2015/2016	30,531	2,048
2014/2015	28,963	1,961

## CONTINUING EDUCATION STUDENT ENROLMENT 2014-2020

Year	Continuing Education Students, FFTE	Continuing Education Course Registrations
2019/2020	2,543	69,783
2018/2019	2,670	69,112
2017/2018	2,859	67,619
2016/2017	2,792	66,461
2015/2016	2,710	66,000
2014/2015	2,673	67,735

## TEACHING AND STAFF COMPLEMENT 2014-2020

Year	Tenure/ Tenure Track Faculty	CUPE 1 Part-time and Sessional Instructors	CUPE 2 Continuing Education Instructors	Staff (FFTE)
2019/2020	909	283	426	2,372
2018/2019	917	334	477	2,389
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



Office of the  
**Ombudsperson**  
at Ryerson University



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