



Office of the
Ombudsperson
at Toronto Metropolitan University



ANNUAL REPORT

20/21

Confidential • Impartial • Independent

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“I want to thank you for helping me out with this situation and you’ve been a big help.”

June 2021

MESSAGE FROM THE OMBUDSPERSON

It is a privilege to be the Ombudsperson at Toronto Metropolitan University, formerly known as Ryerson University. As you are aware, the university undertook the bold initiative of a name change in 2021 and established the University Renaming Advisory Committee. After a thorough period of consultation and collaboration, the name Toronto Metropolitan University was presented to the Board of Governors by President and Vice Chancellor Mohamed Lachemi and was unanimously approved. It is an exciting time for me to have joined the university.

Although I started in this role in mid-January 2022, in a very short time I've been inspired by the students, administrative leaders, staff and faculty I have met. I have heard many stories from students about ongoing challenges – including challenges with online learning, returning to in-person learning, academic integrity matters, fee appeals, issues of privacy, and the requirement to attest to their vaccination status.

I appreciate the honesty and integrity of the students who come to our office for guidance in navigating the implications of certain university policies, as well as the various interpretations and applications of these policies by different departments and faculty members. I also appreciate the cooperation and support of faculty and administrative leaders who have welcomed me and shown willingness to work with our office to ensure we collectively do our best, not only to find a fair resolution to matters of concern but also to work toward ensuring university policies and procedures are within the highest degree of procedural fairness.

My experience as a lawyer and adjudicator in the field of administrative law for over 25 years makes me well suited to advocate for fairness. I truly understand the importance, and sometimes the complexity, of ensuring procedural fairness and natural justice. One of my goals will be to continue the work of the Office of the Ombudsperson to advocate for fairness and to strive for greater clarity regarding university policies and procedures and greater transparency with respect to the decision-making process underlying these policies and procedures. Transparency is fundamental to procedural fairness because it ensures greater accountability. It also increases clarity and consistency in decision making.

I am confident that by working together – students, faculty, administrative leaders, and other stakeholders – we can reach the highest level of procedural fairness.

Our office will continue to work informally with students to advise on complaints and provide guidance related to any policy or process applicable to their situation. We will also investigate complaints where warranted and make recommendations to those in authority. By reviewing and analyzing complaints, our office is able to make systemic recommendations where appropriate. In this report the Office of the Ombudsperson provides our observations and recommendations for addressing key concerns.



Maureen Helt
Ombudsperson

WHO WE ARE

Since 1997 the Office of the Ombudsperson at TMU University has been an independent, impartial investigator of complaints and an advisor to the university community on issues of fairness. We are primarily concerned with ensuring that everyone involved in a dispute is treated fairly and that decisions affecting students are made promptly and fairly. As a beginning point for the effective resolution of concerns and complaints, it is very important that those involved understand the issues that are in dispute and the policies and procedures that are applicable to the particular circumstance.



The Office of the Ombudsperson has three staff: Maureen Helt (Ombudsperson), Ayesha Adam (Assistant Ombudsperson) and Gemma Kerr (Assistant Ombudsperson).

Maureen Helt

Maureen has over 25 years of legal experience and has developed numerous dispute resolution and investigative skills throughout her years of practice. Maureen has strong interpersonal skills and a reputation for integrity, accessibility and fairness. Throughout her career Maureen has strived to ensure that matters related to procedural fairness receive the highest priority, given the impact on the parties. She understands that impartiality, independence and confidentiality principles are inherent in the role of an effective ombudsperson. She is a member of the Alternate Dispute Resolution Institute of Canada and has an LLM, specializing in Health Law.

Ayesha Adam

Ayesha Adam has been the Assistant Ombudsperson at TMU University since 2008, in this role she has resolved a significant number of complaints and addressed students concerns with diplomacy, compassion and integrity. She has years of experience in roles that require exceptional problem solving skills utilising a wide variety of conflict resolution techniques and is experienced and familiar with multiple forms of Alternative Dispute Resolution (ADR) processes. She has in depth knowledge of post secondary education settings and “ombuds” services and is an experienced Investigator, mediator and trainer, with extensive experience dealing with youth and young adults, both in legal and ADR settings.

Gemma Kerr

Gemma joined the Office of the Ombudsperson at TMU University seven years ago and has extensive experience in working with students and interpreting the university's policies and procedures. She is committed to fairness and will do what she can to assist students with their concerns. Before joining this office, Gemma worked in a variety of educational settings, including alternative education, education programs in post-conflict zones, and post-secondary education. Through these roles, Gemma gained experience and conflict resolution skills while working with a wide variety of students and stakeholders.

Three Pillars Of Our Office

INDEPENDENCE

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.torontomu.ca/ombudsperson

HOW WE WORK

What We Do If You Contact Us

- Listen carefully to your concern
- Make referrals to help you to obtain the information you need
- Review and discuss your options and help you decide the best way forward
- Help manage expectations
- Help to informally and impartially resolve any conflict
- When appropriate, mediate or facilitate discussion between students, staff or faculty members and, if appropriate, investigate

When a student identifies a concern that relates to fair treatment, and when it becomes clear that no other means will resolve a particular situation, process or outcome, our office may launch a fairness review to determine whether the university has acted fairly.

What We Do Not Do

- Accept notice of a complaint or speak on behalf of, the university (Our office is independent and does not accept notice on behalf of the university.)
- Take any action or speak with anyone outside our office unless we have your explicit consent (Contact with our office is confidential.)
- Automatically take your point of view or the university's point of view (Our concern is what is fair for all involved; all information is viewed as impartially as possible.)

The Office of the Ombudsperson can access all relevant university records and has the authority to investigate final decisions to determine whether a student has been treated fairly, and whether applicable university policies and procedures have been followed, are adequate and have been consistently applied. Our office is involved in ombuds outreach, including consulting on policy development, training and presentations to the university community about fairness and other ombuds-related topics.

How We Work to Prevent Unfairness

- We provide detailed information on our website on how to access policies, procedures and forms, as well as explanations concerning those documents.
- We consult and act as a resource for the university on developing new policies and procedures.
- We lead training sessions developed by our office.
- We consult on university training initiatives, particularly those related to fair decision making and effective conflict resolution.

“Thank you so much for your help on the matter I really appreciate it.”

June 2021

COMMENTARY AND RECOMMENDATIONS FOR THE PERIOD 2020/21

Working Together

Throughout the year, we frequently worked with students who were seeking greater clarity on an issue. We also engaged in shuttle diplomacy or a fairness review pertaining to their concern, with the aim to better understand and reach a fair outcome for them.

Staff and faculty have been responsive and forthcoming when contacted to discuss any student concern. By working together, we have achieved positive outcomes for students. One example is the process involved in Senate appeals.

By way of background, the Grade and Standing Appeals Policy 168 (which came into effect in Fall 2020), included a change in the dismissal-of-appeal process. Prior to the change, Policy 134 for undergraduate students stated that when an appeal is being dismissed by the Senate, the Secretary of Senate will first provide the student with a notice of intent to dismiss the appeal, including the reasons for doing so. The student could then respond to the dismissal and refute the reasons for this. The Senate Appeals Committee (SAC) would then consider the student's submission and other appeal documents and decide whether to dismiss the appeal or proceed with a hearing.

Under Policy 168, students who submit a request for Senate appeal are informed by the Secretary of Senate of a recommendation either to put the matter before the Senate Appeal Committee (SAC) Review Panel with a recommendation for dismissal, or to move forward to a hearing. In instances where the matter is recommended for dismissal and referred to the SAC, a student has no opportunity to challenge the recommendation or provide additional submissions. Rather, the recommendation from the Secretary of Senate goes to the SAC Review Panel who either confirm or reject the recommendation and provide the student—in writing—the reasons for its decision.

Considering the impact of an appeal decision, we believe that students should be given every opportunity to make their case, as the Senate is the last level of appeal.

Our office has worked with the Secretary of Senate and other university administrators and agreed that the wording related to the dismissal-of-appeal procedure needs to be revised. The proposed revision (or something along these lines) will include: Before recommending that the SAC dismiss an appeal without a hearing, the Secretary of Senate or Designate shall provide the Student with a Notice of Intent to

Recommend Summary Dismissal ("Notice"), which identifies the basis of the recommendation and shall invite the student to provide a written submission for consideration by the SAC.

Restrictions Imposed During the Pandemic

During the early stages of the pandemic, when university students, staff and faculty were adjusting to the transition to remote learning, the Office of the Ombudsperson received complaints from students who found it difficult to obtain clear information about pandemic-related restrictions imposed by the university.

Although the restrictions were introduced in the context of an ever-changing public health landscape and the university continually updated this information on their website, student complaints focused on the issue that information was not easily accessible. As well, during the period of remote learning, students expressed concern about the large number of electronic communications received from the university via email, D2L notifications and other means. Due to this increased volume of electronic messages, some students were concerned about missing important information and updates, especially those relating to course deadlines and changes to evaluation methods.

Students also raised concerns about the lack of timely response from professors, particularly during exam time. However, faculty members were also inundated with many email queries and requests from students, well beyond the number they typically received prior to the pandemic, and this impacted their ability to respond to students within a reasonable amount of time.

As the university transitions back to the delivery of more in-person courses, we anticipate fewer issues relating to communication.

Mental Health Challenges

Mental health issues have been on the rise during the last several years. With the onset of the pandemic, however, our office saw a significant increase in the number of students experiencing mental health issues that impacted their ability to focus on their studies. The greatest challenges for students were the difficulty they faced in switching to online instruction and not being able to participate in on-campus classes and activities and meet with other students. We also witnessed an increase in mental health challenges related to isolation: family tension, roommate stress, and hopelessness.



For international students, border restrictions affected their travel home, and, for some, the fluctuation of international currencies made studying abroad more expensive than prior to the pandemic. As well as the challenges of isolation, student stress was compounded by financial issues, specifically, the lack of available part-time employment that many students rely on while in university.

In discussions with the Student Wellness Centre our office has been provided with the following information from the Student Integrated Health & Wellbeing team relating to the impact of the pandemic on students' mental health, which we have determined is helpful to include in our report.

From the perspective of the Centre for Student Development and Counselling (CSDC), we noticed increases in the amount of care students required during the pandemic as a result of increased stressors, including isolation, family tensions, and financial/housing insecurity. Even pre-pandemic, many of our students presented to counselling with long-standing depression, anxiety, trauma, and safety concerns, and these issues typically are not emerging for the first time in university; however, stressors including the pandemic, university pressures, and other psychosocial stressors can certainly exacerbate mental health symptoms.

We know from the National College Health Assessment data and other studies that complex mental health is increasing in postsecondary students across North America, so we're not alone in this. From a data perspective, we saw significant increases in the number of students needing immediate brief counselling support following an initial appointment, as well as a marked increase in the number students accessing ongoing counselling appointments. These data are indications of an increase in needs during the 2020/2021 academic year.

Trends observed among students during the pandemic:

- more marked reduction in motivation
- increased apathy
- increased anxiety for graduating students
- increased sense of hopelessness
- increased burnout
- increased in impulsive and risky behaviours
- previous eating disorders reactivated
- increased substance use

- increased home sickness, loneliness
- increase in issues related to gender identity, sexual orientation, and coming out

Challenges students had to navigate during the pandemic included:

- lack of stable housing
- lack of private space
- challenges related to motivation and ability to focus on academic work
- sense of disconnection from peers and wider campus community
- employment insecurity
- limited resources and options for students who live in unsafe homes
- impacts of racial trauma and other forms of systemic violence
- impacts of pre-existing mental health concerns, family and other relationship issues exacerbated by added stress from pandemic

In addition, International students currently living in Canada have been faced with multiple layers of uncertainty related to the wellbeing of their family in their home countries, and added financial pressure due to economic impacts of the pandemic.

It is clear that the stressors experienced during the pandemic by students, and also staff and faculty, have been significant and have impacted students' learning and progression through their program. Students are encouraged to continue to reach out to Student Wellbeing, which strives for a collaborative approach to facilitate health and wellbeing.

In considering how to approach this issue, I undertook a review of the University's Statement of Commitment on Mental Wellbeing and Mental Wellbeing Principles for TMU Policies. I find that the Statement of Commitment and Principles focuses more on "mental health" versus student wellbeing and I believe that it is in the best interests of the university to focus on both. For example, the Statement of Commitment clearly sets out the importance of looking at mental health issues, for which accommodation may be required, balancing the rights of students and the requirements of the classroom, and references the need to have policies that meet legislative requirements such as the Ontario Human Rights Code and the Accessibility for Ontarians with Disabilities Act and to go beyond what is minimally required.

This is very positive, however, given the tremendous rise in mental wellbeing issues (those that may not fit within the definition of “mental health”) impacting students, especially during the pandemic, it may be an opportune time for the university to take its Statement of Commitment on Mental Well-Being and Mental Well-Being Principles for TMU Policies one step further and highlight the importance of being proactive in reducing mental wellbeing issues, which impact the majority of students. I recognize that both mental health and mental wellbeing encompass psychological, physical and emotional wellbeing, however, the goal is to be proactive in curbing mental wellbeing issues so as to limit the impact on the resources available.

RECOMMENDATION 1

While it is important to ensure the university has adequate resources in place to address students' mental health and mental wellbeing, I think the university should consider a two-pronged approach. First, ensure there are sufficient resources and second, consider how the university can increase the mental wellbeing of students so that they are less likely to need access to Student Wellbeing Services. I also recommend that when policies at the university are developed or reviewed, they reflect, in their application and procedures, mental wellbeing principles. In other words, do the policies adequately reflect the mental wellbeing of students in their application? Are they structured and applied in such a way to ensure they create the least prejudicial impact on mental wellbeing while ensuring the objective of the policy is being met?

Best Practices for Online Exams

Students were concerned not only about the necessary adjustment to online learning and exams, but also about an evaluation method some professors used to assess their academic ability. Specifically, some students encountered the following difficulty while taking an online exam: It is not possible to navigate back to review and change answers to previous questions in exams set up to be taken in a linear way. This means any answer already submitted cannot be revisited to allow for further reflection and change. Instead, the student has to move on to the next question. This tool to prevent backtracking is an option in D2L, and each instructor can determine whether or not to use it. Our office recognizes that the intent of this exam method is to limit opportunity for academic misconduct; however, we are concerned about the fairness of this practice.

In our view, preventing students from going back to review their answers to questions, denies them the opportunity to further reflect on or change their answer. Many students may require additional time to reflect on a question before submitting their final answer, or they may get “stumped” on a question and want to move on to the next question to regain their confidence, before going back to a question they struggled with earlier.

The guideline for instructors using D2L quiz shells (available at <https://www.torontomu.ca/courses/instructors/tutorials/quizzes/quiz-manage-questions/>), also notes that backtracking can create issues of accessibility for students. As noted on the website referenced above, professors are asked to use caution when considering preventing backtracking:

Many students use test writing strategies such as reviewing the entire test prior to answering questions, or skipping questions when they don't know the answer and returning later. These strategies work well for students with disabilities, and many students without accommodations also use these test-taking strategies. We, therefore, ask that you use these features with caution.

The practice of preventing exam backtracking can prejudice the student; at the same time there is no clear evidence of a greater likelihood that students would engage in academic misconduct if allowed to backtrack.

While many courses are returning to in-person examinations, this exam method is still considered an available option for courses that continue to be offered online at the university.

RECOMMENDATION 2

We recommend that the university reconsider the practice of allowing the exam method that prevents backtracking, which makes it impossible for students to review their answers to questions during online exams.

Academic Misconduct in a Prerequisite Course

A student who wants to appeal a finding of academic misconduct in a course that is a prerequisite for another course is unable to do so. This raises some concerns. The option to appeal a finding of academic misconduct is important for students who disagree with such a finding and also want to clear their name and remove the penalty assigned.

Senate Policy 60 states, “A student will not, however, be able to register in a course where a pre-requisite is the course that is under appeal.”

Our office is concerned that this policy may significantly prejudice a student who has been found to engage in academic misconduct but whose penalty does not result in a failed grade for the course: specifically, because the student would not be allowed to enroll in a chosen subsequent course if they appeal the academic misconduct finding.

We acknowledge the possibility of a rare case in which a student appeals a finding of academic misconduct and the Academic Integrity Council (AIC) increases the penalty assigned by the initial decision maker. For example, a grade reduction could be increased to a failing grade by the AIC. In this case, and if a student could both appeal a course and enroll in a course for which the course under appeal is a prerequisite, the student may find they are enrolled in a subsequent course for which they had failed the prerequisite. However, given how rare this situation would be, it seems unduly prejudicial to the student to take away their right to continue their course of study, pending an appeal.

RECOMMENDATION 3

When Policy 60 is under review, we recommend that consideration be given to allow a student to appeal a prerequisite course where the academic misconduct penalty does not result in a failed grade.

Academic Misconduct and Timeliness of Facilitated Discussion

Students have expressed concerns related to the timeliness of facilitated discussions (FD) and also what Policy 60 allows in regard to the rescheduling of an FD. The following procedure is set out in Policy 60:

6.2.11. If a student fails to attend a discussion and fails to notify the AIO or decision maker (in the case of an NFD) in a timely way to re-schedule, the decision maker may proceed without the student's input. If the decision maker fails to attend the discussion and fails to notify the AIO [Academic Integrity Office] in a timely way, the matter shall be dismissed and "no finding of misconduct" registered via the AIO.

Timely way is not defined, and so the determination of what is timely is a discretionary decision. Discretionary decisions do not require the provision of detailed reasons; however, because of their subjective nature, this practice raises questions from the point of view of transparency and accountability. Some students have expressed concern that, as the decision is not public, what constitutes timely is not clear. Timeliness is a component of procedural fairness and natural justice, and as such, it would benefit students and decision makers alike to have additional clarity brought to this section of Policy 60.

RECOMMENDATIONS

RECOMMENDATION 4

When Policy 60 is under review, we recommend that greater clarity be provided regarding what is considered “timely,” including what information is taken into consideration when determining if something is timely.

Decision Maker at the Facilitated Discussion

Some students have raised concern that the decision maker at their facilitated discussion is the professor who brought forward the suspicion of academic misconduct to the AIC. Policy 60 Procedures stipulate that the professor who raises the suspicion of academic misconduct can be the decision maker. Specifically, section 6.1.5 (Policy 60) provides the following: “If the eligible investigator is a faculty member and they conclude that there is a sufficient basis to support a reasonable belief that misconduct may have occurred,” one option is that the faculty member may continue with the matter as the decision maker.

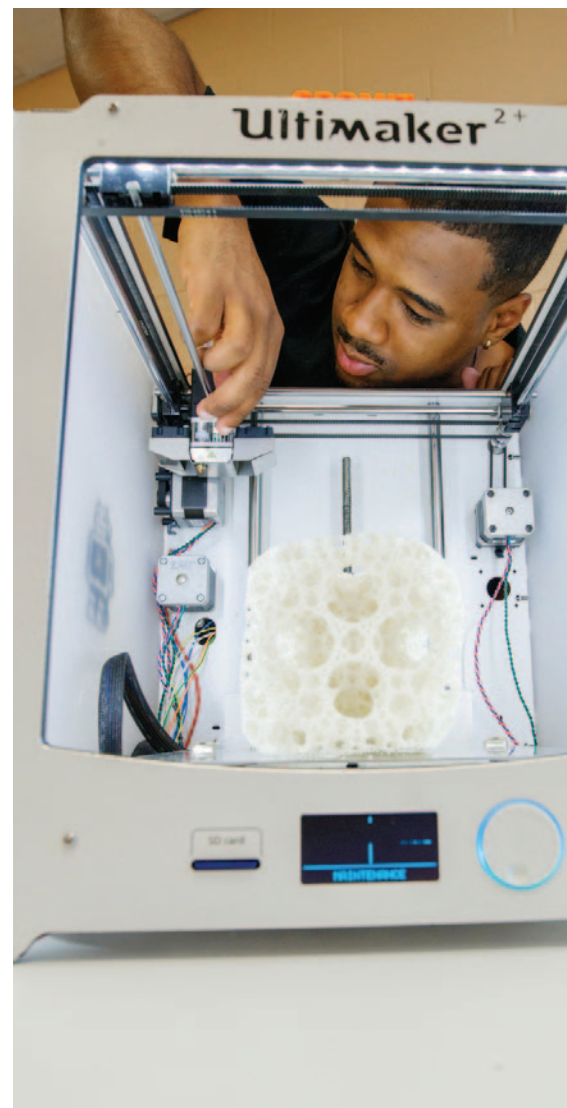
A student can feel intimidated to oppose the professor during the facilitated discussion because they may be mid-course. This practice also raises concern about a potential conflict of interest or bias. The relevant section of Policy 60 Procedures states that the decision maker has “concluded that there is a sufficient basis to support a reasonable belief that misconduct may have occurred.” This indicates that the decision maker has already concluded sufficient basis for misconduct, which brings into question the potential perception of bias at the outset of the process, even before the facilitated discussion takes place. Although a facilitated discussion results in a decision that a student has the right to appeal, the question for the university is whether or not this first-level process of facilitated discussion meets the standards of procedural fairness that the university strives for in all its affairs.


RECOMMENDATION 5

When Policy 60 is under review, we recommend that consideration be given to have someone other than the professor who alleged the academic misconduct be the decision maker at the facilitated discussion.

“Thank you so much for your assistance. I am feeling a lot calmer as I wait for a response.”

Dec 2020





“This was extremely helpful, and I think I have all the information I need. Thank you for getting back to me so quickly I really appreciate it.”

Feb 2021

RESPONSE TO TORONTO METROPOLITAN UNIVERSITY'S 2020-21 OMBUDSPERSON REPORT

Dear Ms. Helt,

Please find below an overview of the university's responses, as well as commitments, to the recommendations provided in the 2020-21 Ombudsperson Annual Report. We are grateful for your observations and thank you for your work to strengthen the integrity of Toronto Metropolitan University (TMU) policies and processes.

Mental Health Challenges

Toronto Metropolitan University provided the following suggestion regarding mental health challenges:

- 1) While it is important to ensure the university has adequate resources in place to address students' mental health and mental wellbeing, I think the university should consider a two-pronged approach. First, ensure there are sufficient resources and second, consider how the university can increase the mental wellbeing of students so that they are less likely to need access to Student Wellbeing Services. I also recommend that when policies at the university are developed or reviewed, they reflect, in their application and procedures, mental wellbeing principles. In other words, do the policies adequately reflect the mental wellbeing of students in their application? Are they structured and applied in such a way to ensure they create the least prejudicial impact on mental wellbeing while ensuring the objective of the Policy being met?

A number of relevant initiatives are underway led by Student Integrated Health & Wellbeing that are closely related to the issues highlighted in the 2020/2021 report. These are outlined below.

Development of and increasing resources to support the mental health and wellbeing of students:

- **Black Identified Counsellors**

The Centre for Student Development and Counselling (CSDC) is building out specific pathways of support for Black-identified students by establishing a system that on request, will match students to work with a counsellor from a shared background, as well as by developing expedited pathways of care, developing and providing group therapy to heal from race-based and intergenerational trauma, establishing focus groups to better understand student needs, building connections with the Black student peer-support group, and hiring Black-identified counsellors.

- **Indigenous Identified Pathways**

CDSC has also partnered with Aboriginal Initiatives, Office of the Vice-President, Equity and Community Inclusion, and Aboriginal Student Services to provide more streamlined and culturally-appropriate counselling support for Indigenous-identified students. This initiative aims to reduce barriers by increasing access to support, minimizing the need for students to retell their story to multiple service providers, and providing care through a trauma-informed, decolonized approach. We will be actively recruiting an Indigenous-identified counsellor this 2021-22 academic year to further support these pathways and students.

- **Eating Disorders Pathway**

Starting this academic year, with the support of Waterstone Foundation, the university will offer dedicated pathways of support for students with eating disorders. This will help ensure these students receive timely and expert care from an experienced counsellor directly on campus.

In addition to the ongoing hiring of counsellors, we are expanding our care team to include new roles that work alongside and in partnership with existing staff. By diversifying our team and updating our overall approach to care, we expect to be able to support students in a more comprehensive way, particularly those who are encountering complex life situations who would benefit from a holistic support structure. We are hopeful that by introducing these new roles, we will be able to provide a more seamless care experience that will ultimately result in improved student outcomes and satisfaction.

These roles include:

- **Care Lead**

We are actively recruiting for a new role for the 2022-23 academic year that will serve as a point of contact for students requesting health and wellbeing support. The care lead will support at-risk mental health and/or medical needs through intervention, referrals and connections with follow-up services. The position will collaborate with the health care professionals within our Student Integrated Health & Wellbeing team, while liaising with other student and academic services, as well as external community partners.

- **Nurse Lead**

Working alongside the physician lead within the Medical Centre, the nurse lead will play a key role in the day-to-day oversight of the clinical care area, collaborating with interdisciplinary professional staff, while providing health and wellbeing support for students. The ideal incumbent in this role will have expertise in mental health to support the growing needs in this area.

In reference to the recommendation for a “two-pronged approach” that emphasizes increasing the mental wellbeing of students, Student Integrated Health Wellbeing, Health Promotion Programs is currently transforming its peer support program for launch this 2022-23 academic year. In partnership with Ontario Shores, the team is developing a wellbeing learning hub (naming in progress). This new peer support program will strive to help students live their best life by covering diverse topics that support mental health and wellbeing.

All courses will be co-designed by students and co-delivered by people with lived experience navigating wellbeing in a post-secondary setting. Co-authorship with the student community ensures that programming is relevant, relatable, and meaningful. The hub will be rooted in principles of connection, self-identity, hope, meaning, and empowerment, while also being strengths-based and student-centered.

Further, where reviews of appropriate policies have taken place, student wellbeing and support have been recognized as a critical component. For example, the recent review of Policy 61 (Student Code of Non-Academic Conduct) resulted in a support framework outlining our commitment to ensuring community members who experience harmful behaviour are provided with resources to support and assist them, regardless of whether they choose to participate in a disciplinary process.

Policy 61 now also expressly protects and upholds the principles of equity, diversity and inclusion and accommodation. These principles help inform the interpretation and application of the policy. In addition, this shows TMU's commitment to addressing conduct-related issues in a way that is responsive to the experiences of individuals from equity-deserving groups and that disability-related needs and limitations are considered and accounted for at all stages of the process, including decision making.

Principles supporting wellbeing were also included in our recent review of Policy 159 (Support for Students with Disabilities). The revised policy brings clarity to the roles, responsibilities, and obligations of students, staff, and faculty involved in the accommodation process. This will promote and improve consistency, efficiency, and meaningful outcomes. It also introduces systems and features to help reduce the challenges individuals may encounter when navigating academic accommodations and progression.

Finally, in an effort to mitigate the impact that participation in policy processes may have on student mental wellbeing (including the Discrimination and Harassment Prevention Policy and Policy 168 - Grade and Standing Appeals), the university has and will continue to explore informal resolution as a means to addressing students' concerns.

The university will also deepen our commitment to a community- and system-level approach to foster wellbeing by creating a new "Community Wellbeing" department within Student Wellbeing. The mandate for this new department will be to:

- *Advance campus and student wellbeing using a strengths-based, intersectional, health-equity approach steeped in the social determinants of health and co-creating upstream, system level, community-based student wellbeing supports.*
- *Enable the transformational work of a newly created Campus Wellbeing Steering Committee. The committee will collaborate with key stakeholders across the community to develop, implement and monitor a cross-campus wellbeing strategy.*
- *Collaborate with funders, community health and wellbeing providers, and the downtown east Toronto and Brampton communities to foster wellbeing and contribute to healthy neighbourhoods where TMU students, staff, faculty and residents can flourish.*

Best Practices for Online Exams

Toronto Metropolitan University provided the following suggestion regarding online exams:

- 1) We recommend that the university reconsider allowing the exam method that prevents backtracking, which makes it impossible for students to review their answers to questions during online exams.

As it is not the norm for policy to specifically limit the format of academic assessments, we propose that the appropriate resource page for faculty members be updated. Backtracking is currently identified as an option with the potential to improve academic integrity in online quizzes and exams, but using it can present issues for students. The new text will explain more clearly the reasons for instructors to use caution when exercising this option to help reduce instances of its use.

The new language on the faculty resource page will be: "Limiting the number of questions per page and preventing backtracking can negatively impact learners with regards to fairness and equity. Many students use test-writing strategies such as reviewing the entire test prior to answering questions, or skipping questions when they don't know the answer and returning later. These strategies work well for students with disabilities and are also used by many students without accommodations. We, therefore, ask that you use these features with caution."

In addition to this proactive approach, the appropriate university offices will continue to support administrators in hearing student requests for review and recompense under university policies where they relate to the reported impacts of these practices.

Academic Misconduct in a Prerequisite Course

Toronto Metropolitan University provided the following suggestion regarding academic misconduct in a prerequisite course:

- 1) When Policy 60 is under review, we recommend that consideration be given to allow a student to appeal a prerequisite course where the academic misconduct penalty does not result in a failed grade.

The recommendation to amend this piece of Policy 60, to allow students to register in a course if they have successfully passed the prerequisite course, when the finding of and/or penalty for academic misconduct for that course is under appeal, will be put before the Policy 60 review committee when the policy is next reviewed.

Under Policy 60, students may appeal a finding of academic misconduct in any course, or outside of a course. There are registration limitations when a student appeals a finding of academic misconduct and/or the associated penalty if the course is a prerequisite for another course. This is to ensure that students who enroll in a course that has a prerequisite have the appropriate skills and knowledge to be successful in that course.

Allowing a student to enroll in a course when they did not successfully complete a prerequisite course could unfairly disadvantage that student.

Academic Misconduct and Timeliness of Facilitated Discussion

Toronto Metropolitan University provided the following suggestion regarding the timing of facilitated discussions:

- 1) When Policy 60 is under review, we recommend that greater clarity be provided regarding what is considered "timely," including what information is taken into consideration when determining if something is timely.

This recommendation will be put before the Policy 60 review committee when the policy is next reviewed. Where possible, greater clarity will be provided on how decisions are made around what is and is not "timely."

Under Policy 60, the scheduling of facilitated discussions can depend on a number of factors, including the availability of the decision maker, the student, at times a student advocate, and a facilitator from the Academic Integrity Office. If any of these individuals are unavailable it can unfortunately lead to delays, especially at the busiest times of the academic year. The Academic Integrity Office is responsible for administering Policy 60 in a way that is fair and transparent to all parties. This can involve discretionary decisions around what is and is not timely.

Decision Maker at the Facilitated Discussion

Toronto Metropolitan University provided the following suggestion regarding decision makers at facilitated discussions:

- 1) When Policy 60 is under review, we recommend that consideration be given to have someone other than the professor who alleged the academic misconduct be the decision maker at the facilitated discussion.

This recommendation will be put before the Policy 60 review committee when the policy is next reviewed.

Policy 60 allows faculty and contract lecturers to register suspicions and make decisions about whether or not academic misconduct has occurred as those faculty members and contract lecturers will have the most relevant information about the piece of work under suspicion, expectations communicated to students about the piece of work, and any information around academic integrity that was shared with students.

As noted, suspicions are only brought forward if there is a "reasonable belief that misconduct may have occurred." Per Policy 60 Procedures Section 4.11, decisions around whether or not academic misconduct has occurred are only made after the facilitated, or non-facilitated discussion. Under Policy 60, Designated Decision Makers are available to faculty who are unwilling and/or unable to pursue a suspicion of academic misconduct themselves. In addition, if a student feels that the decision maker in their case is inappropriately positioned, they can request an alternate decision maker through the Academic Integrity Office.

Sincerely,

Dr. Jennifer Simpson
Provost and Vice-President, Academic
and

Dr. Saeed Zolfaghari
Vice President, Administration and Operations

PROGRESS ON TORONTO METROPOLITAN UNIVERSITY'S 2019-20 OMBUDSPERSON REPORT

Dear Ms. Helt,

Please find below an overview of the University's responses, commitments and progress updates to the recommendations provided in the 2019-20 Ombudsperson report.

The updates related to progress on each of these recommendations, as outlined in this year's report, demonstrate the university's commitment to promoting accountability and strengthening our systems and processes.

Thank you for the essential role that you play in bringing students, administrators and faculty together to achieve positive outcomes. We appreciate your commitment to impartiality and fairness.

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

Toronto Metropolitan University provided the following suggestion to address the recommendation regarding following policy intent, which has been progressing as follows:

- 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.

In response, the University confirmed that students are a priority in all decision making and we committed to working with the Ombudsperson to resolve any issues or ambiguities, with the aim of continuing to improve our processes with the input provided. The University continues to work with the Ombudsperson to improve our processes and clarify procedures. The Ombudsperson spoke to this collaboration in the Commentary and Recommendations section of their 2020/2021 Report.

Responding in good time

Toronto Metropolitan University provided the following suggestion to address the recommendation regarding response timing, which has been progressing as follows:

- 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.

As a result of recommendations in the Ombudsperson's Report, TMU Central Communications has developed a new FAQ page that will live on the RU4U section of the University's website. The goal of this page is to help students navigate the resources, supports and services available across campus.

The following faculties/departments were asked to ensure their websites link to this FAQ page:

*Faculty of Arts
Faculty of Community Services
Faculty of Communication & Design*

*Faculty of Engineering & Architectural Science
Faculty of Science
Lincoln Alexander School of Law
Ted Rogers School of Management
Yeates School of Graduate Studies
The Chang School of Continuing Education
Student Life & Learning Support
ServiceHub/ Ask Ryerson
Student Affairs
Student Wellbeing*

The University hopes that by increasing awareness of this new FAQ page, students will be able to find the information that they are looking for, when they need it. This work is linked to both the Student Success Navigators as well as Navigate TMU.

Central communications met with the Office of the Vice-Provost, Students (OVPS), to discuss how this page would be a natural complement to ongoing work. A lot of great work is coming out of OVPS this fall to help students navigate the resources, services and supports available, and this FAQ page is one deliverable to help support student success.

Dealing with unreasonable complainant conduct

Toronto Metropolitan University provided the following suggestion regarding unreasonable complaint conduct, which has been progressing as follows:

- 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 was made, how long the measures will be in effect, whether the decision can be reconsidered, and when the measures will be reviewed.

In response, TMU agreed that this required further consideration. At the time of the Ombudsperson's Report release, Policy 61 (Student Code of Non-Academic Conduct) was under review. The University has since completed its update to Policy 61 and the associated consultations. Procedures that require decision-makers to inform students of decisions or issues under the code, as well as penalties assigned and their duration, are continued in the updated policy. Further, the code has been rewritten using accessible, plain language that is student friendly. Changes have been made to promote transparency and understanding, provide a support framework to those who have been harmed, and increase procedural fairness.

Sincerely,

Dr. Jennifer Simpson
Provost and Vice-President, Academic

and

Dr. Saeed Zolfaghari
Vice President, Administration and Operations

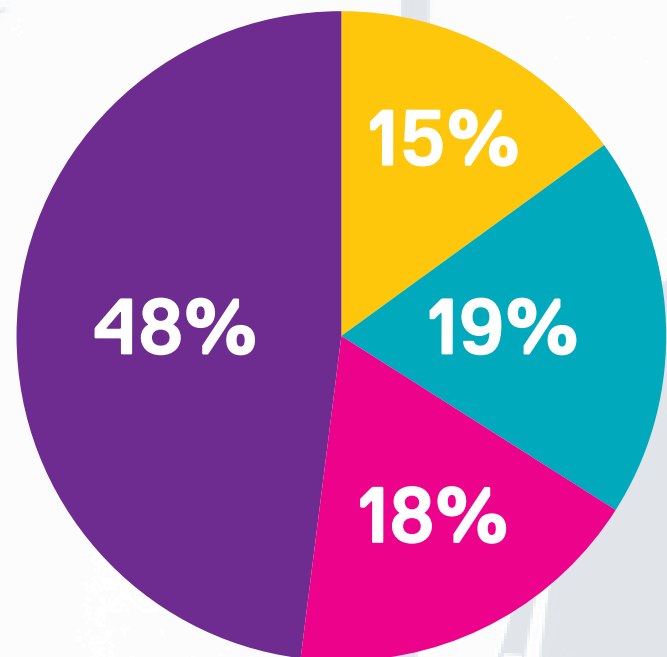
2020/21 AT A GLANCE

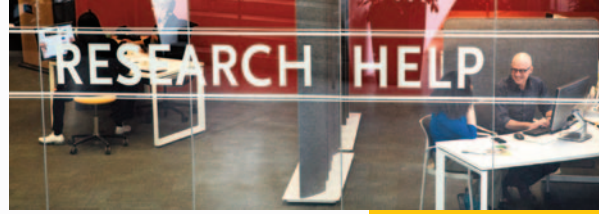
INVESTIGATIONS COMPLETED



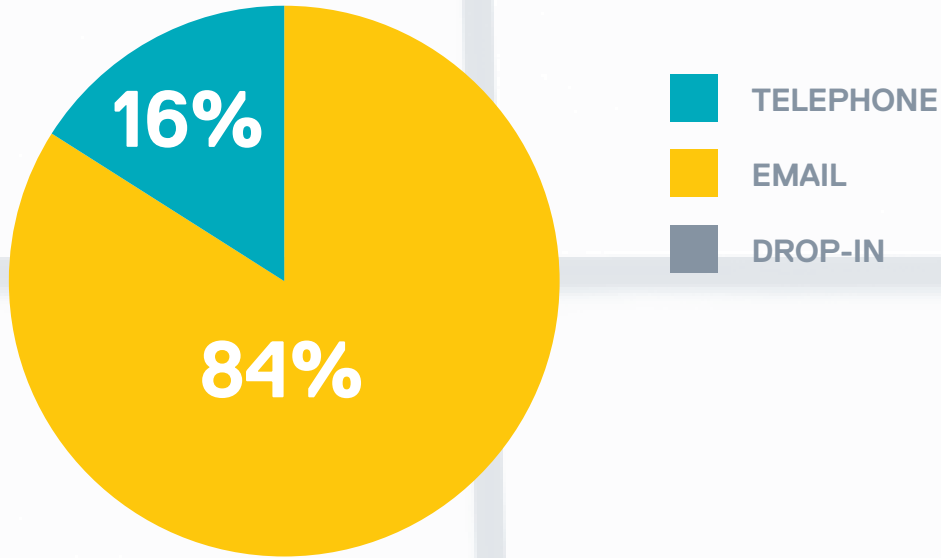
TOP 4 TYPES OF CONCERNS

- ACADEMIC ADVICE
- ACADEMIC APPEALS
- ACADEMIC MISCONDUCT
- CONDUCT OF INSTRUCTOR/
FACULTY/SUPERVISOR

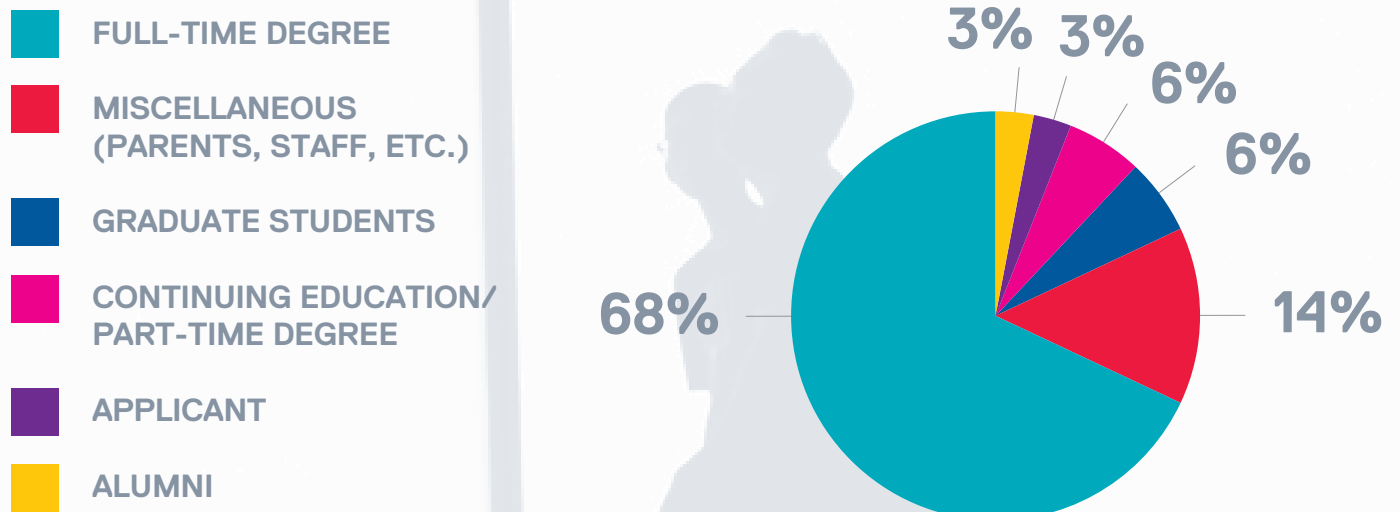




HOW PEOPLE CONTACTED US



WHO BROUGHT FORWARD CONCERNS



TYPES OF CONCERN RAISED

The Office of the Ombudsperson saw a significant increase in concerns related to academic misconduct and also in consultations by students seeking academic advice. This situation is consistent with that of most Ontario universities since the start of the pandemic and the move to online learning. The number of academic misconduct cases was 64 for the year compared to 42 cases the previous year.

Comparison of Types of Concerns Over the Last Decade

YEAR	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12
Total	497	457	502	533	541	521	520	483	593	617
Academic Advice ¹	162	114	180	156	197	181	151	133	192	177
Academic Appeals ²	62	82	61	71	62	85	83	95	102	103
Academic Misconduct	64	42	25	44	40	36	55	41	49	61
Accessibility	16	21	19	26	21	23	21	18	27	25
Advancement & Development	1	0	1	1	3	1	0	0	0	0
Admissions (Undergraduate)	12	12	11	18	20	11	15	20	20	11
Admissions (Graduate)	2	2	5	4	2	4	1	3	4	5
Ancillary Services	1	2	0	2	0	2	0	1	1	2
Campus Planning & Facilities	2	2	2	5	2	3	0	2	0	3
Conduct – Instructor/Faculty/Supervisor	50	38	55	63	59	54	61	51	62	53
Conduct – Staff	7	6	16	27	21	12	8	8	8	8
Conduct – Student	4	9	5	11	9	6	3	4	4	8
Confidentiality	0	0	0	3	0	0	1	3	0	0
Curriculum Advising ³	11	10	7	0	8	9	7	4	11	3
Enrollment Services	19	22	11	29	19	19	23	17	29	45
Fees	26	35	34	19	19	21	8	27	14	21
Financial Assistance	12	6	18	20	23	21	24	16	18	20
Information Requests – No Complaint	6	15	2	5	2	0	0	3	1	5
Library	1	1	0	1	0	0	0	1	0	4
Outside Jurisdiction	15	10	16	13	15	16	14	9	13	13
Practicum/Placement (Administration & Availability)	7	6	12	4	7	4	22	5	9	11
Reinstatement/Readmission	1	1	0	0	3	1	5	6	11	14
Residence	3	7	4	0	0	3	1	0	2	1
Safety & Security	1	3	4	1	4	2	2	3	2	5
Sports & Recreation	0	0	1	1	1	2	0	0	2	0
Student Services ⁴	3	6	5	4	1	2	6	6	6	8
Student Unions/Associations	9	5	8	5	3	3	8	7	5	8

¹ This category includes concerns regarding not being able to easily access academic advice from a knowledgeable person.

² This includes Grades and Academic Standing.

³ This includes transfer credits and challenge credits.

⁴ This includes application of Student Code of Non-Academic Misconduct.

Please note that over the past 10 years some categories of concern have been removed because the very low numbers of complaints received did not justify their continued inclusion.

GROUPS WHO BROUGHT FORWARD CONCERNS AND COMPLAINTS

The following table describes the various stakeholder groups that sought our assistance in 2020/21. Consistent with previous years, the overwhelming number of cases are from full-time degree students, representing close to 80% of the concerns and complaints.

Groups Who Brought Forward Concerns and Complaints: Comparison Over the Last Decade

YEAR	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12
Alumnae	16	8	9	9	19	15	7	6	11	10
Applicant	14	8	16	14	13	13	10	23	18	13
Continuing Education/ Part-Time Degree	31	32	45	61	55	45	62	79	81	87
Full-Time Degree	338	304	306	325	308	348	322	283	401	416
Graduate Students	30	39	67	54	75	32	58	58	40	49
Miscellaneous (parents, staff, etc.)	68	66	59	70	71	68	61	34	42	42
Total	497	457	502	533	541	521	520	483	593	617

ACTION TAKEN

The following table represents steps taken by the Office of the Ombudsperson to assist students with their complaints and allows for comparison of action taken in the past 10 years. The majority of students were given advice and referred to other avenues within the university to pursue a resolution to their issue. Our office does not normally intervene in complaints, unless all other internal avenues have been explored, and the student specifically requests our involvement and we deem it appropriate to intervene and have the student's consent to do so.

Comparison of Action Taken Over the Last Decade

YEAR	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12
Advice & Referral	432	382	429	461	469	424	397	382	484	511
Information	11	10	2	0	0	2	5	10	1	3
Intervention – Clarifying	34	37	27	33	28	38	37	33	48	37
Intervention – Mediation	0	2	1	0	0	1	0	1	1	3
Intervention – Shuttle Diplomacy	15	7	35	29	36	37	63	44	43	49
Investigation	5	19	8	10	8	19	18	13	16	14
Total	497	457	502	533	541	521	520	483	593	617

“Thank you so much,
I really appreciate
the help.”

Jan 2021



WEBSITE STATISTICS

The website of the Office of the Ombudsperson was set up to be a helpful resource to the university community. Our aim is to assist users in acquiring the knowledge they need to solve or to prevent academic or administrative problems, without having to contact our office directly. We provide links to frequently consulted policies, procedures, deadlines and referral points at TMU, including helpful tips on how to initiate and resolve concerns independently.

We analyze the user data on an ongoing basis, so as to provide information that is easily accessible and the use of which will prevent problems from arising and increase the opportunities for addressing issues in a timely and constructive manner. Based on data regarding both new and repeat users, we can report a total of 17,926 individuals consulted the website in 2020/21 and an average of 1494 individuals visited the website monthly. The most frequently consulted webpages during the reporting period were those providing information to students on how to drop a course and what to do if they missed exams or classes. Activity was greatest in the months of October and November 2021, when different individuals visited the site a total of 2721 and 2936 times respectively. We track the pages visited, the links followed, and the amount of time spent on each, and by analyzing the data concerning what appears to be of greatest interest to viewers', we can revise the website to increase accessibility to the most useful and relevant information.

During 2020/21 there was an overall decrease in traffic to our website, which we attribute to a change in the URL, from torontomu.ca/ombuds to torontomu.ca/ombudsperson.



“Your email was very clear and helpful. I was able to withdraw the course. Thank you so much for your quick response to my email. You made my day sharing that information with me.”

Apr 2021

APPENDIX 3: INFORMATION ILLUSTRATING THE SIZE OF THE TMU UNIVERSITY COMMUNITY⁵

STUDENT ENROLMENT, FFTE⁶ 2016-2021

Year	Undergraduate Students	Graduate Students
2020/2021	36,465	2,458
2019/2020	33,753	2,386
2018/2019	34,270	2,274
2017/2018	32,302	2,208
2016/2017	31,575	2,120

CONTINUING EDUCATION STUDENT ENROLMENT 2016-2020

Year	Continuing Education Students, FFTE ⁷	Continuing Education Course Registrations ⁸
2020-2021	1,666	70,370
2019/2020	2,543	69,783
2018/2019	2,670	69,112
2017/2018	2,859	67,619
2016/2017	2,792	66,461

TEACHING AND STAFF COMPLEMENT 2016⁹-2020

Year	Tenure/ Tenure Track Faculty ⁹	CUPE 1 Part-time and Sessional Instructors ¹⁰	CUPE 2 Continuing Education Instructors ¹¹	Staff (FFTE) ¹²
2020/2021	960	296	428	2,572
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

5 University Planning Office, [https://www.torontomu.ca/university-planning/data-statistics/key-statistics/Student Enrolment Overview 2020-2021](https://www.torontomu.ca/university-planning/data-statistics/key-statistics/Student%20Enrolment%20Overview%202020-2021), online: TMU University.

6 FFTE stands for Fiscal Full-Time Equivalent. "A student's FFTE is the proportion of a full 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: TMU University <<https://www.torontomu.ca/university-planning/about/faq/>>

7 Fiscal full-time equivalent enrolment in Chang School degree credit courses only (excludes students in part-time and full-time programs enrolled in Chang School courses) https://www.torontomu.ca/content/dam/university-planning/Data-Statistics/Progress_Indicators_Dec15-update.pdf

8 Senior Research Analyst, TMU University Planning Office (2020-2021)

9 Senior Research Analyst, TMU University Planning Office (2020-2021) <https://www.torontomu.ca/content/dam/university-planning/Data-Statistics/Key-Statistics/2020-21/FTFaculty/FullTimeFaculty2020-21.pdf>

10 Senior Research Analyst, TMU University Planning Office(2020-2021)

11 Coordinator-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 2016-17 to 2020-21.

12 *Supra note 10*



Office of the
Ombudsperson
at Toronto Metropolitan University



**Office of the Ombudsperson at
Toronto Metropolitan University**
(416) 979-5000, ext. 1-557450
ombuds@ryerson.ca
www.torontomu.ca/ombudsperson