

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 123 OF THE ACADEMIC APPEALS COMMITTEE

April 19th, 1989

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Wednesday, April 19th, 1989 at 1:30 p.m., in Room 201, 65 St. George Street at which the following were present:

Professor J. B. Dunlop (In the Chair)
Professor F. Flahiff
Professor D. G. Perrier
Mr. D. Power
Mrs. J. Uyede

Ms Irene Birrell, Secretary

In Attendance:

Mr. *T.*
Ms Marnie Westbury, Downtown Legal Services, counsel for the
appellant
Professor J. Warden, Associate Dean (Academic), Scarborough College

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

At a meeting on April 19th, 1989, the Academic Appeals Committee heard the appeal of *MR. T.* from a decision of the Subcommittee on Academic Appeals of Scarborough College refusing his request for late withdrawal without academic penalty from CSC 324F. The appellant had taken the course in the fall of 1987 and had failed it. He has since got credit for the same course but wishes the failure to be removed from his transcript. The decision of the Committee is that the appeal should be allowed.

The ground of appeal to the Committee was much the same as it had been for the original petition to the Sub-Committee on Standing and the appeal to the Subcommittee on Academic Appeals. There was a considerable difference, however, in the evidence presented in support. This appeared to be due, at least in part, to the appellant having sought assistance from Downtown Legal Services to prepare this final appeal. It points up once again the benefit not only to the appellant but also to the committee hearing a petition or an appeal, of the assistance of counsel in organizing and presenting a student's case. It is very often more concise, more complete and much clearer than when prepared and presented by the student in person. It is one of the reasons this Committee recommends to all appellants that they obtain such assistance.

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The case was this: 1. The appellant had been advised by his instructors that he was doing poorly in the course; 2. Although the drop date had passed they indicated to him that they thought it was still an option open to him and that they would support his dropping the course; 3. On the assumption that their approval would ensure the success of his petition, the appellant thereafter attended no classes in the course and did not write the second mid-term or the final exam. He did not claim to have been deprived of an opportunity to drop the course, he claimed he had been deprived of an opportunity to pass it. He did not deny having allowed the drop date to go by without taking any steps to withdraw. Nor did he claim that he would certainly have passed the course had he not relied on the belief that his instructors could approve his late withdrawal. He asserted that had he known the petition would be refused, or thought it a strong possibility, then notwithstanding that he was having difficulty in the course, he could at least have made an effort to salvage a passing grade. In the event, since his petition was denied on January 3rd, 1988, his failure was assured.

It appeared to us that the Sub-Committee on Standing had inaccurate information as to the amount of term work that had been graded and returned by the drop date. Their decision mentions two assignments and a test, whereas the second assignment was not handed out until after the drop date and the term test was returned on the drop date, giving the appellant little time to assess its significance and act on it. Nevertheless, the Grading Practices Policy had been complied with and the Sub-Committee's decision might still have been to dismiss the appeal. There was, however, another fact which may not have been known to them: that the appellant had relied on the authority of his instructors and had ceased to participate in the course. The Committee does not suggest that the instructors held themselves out as having authority to grant extensions, although clearly an instructor is not without some influence in the matter of extensions. However, the Committee thinks a student might reasonably believe that the instructors possess such authority. It seemed entirely possible that had the Sub-Committee on Standing been presented with the same evidence we were given their decision might have been the same as ours. It also occurred to us that the College (and other academic divisions) might consider it worth stressing to members of the teaching staff that there is a risk students will misunderstand the extent of an instructor's authority. They might take greater pains to prevent it happening.

It is clear from the reasons of the Subcommittee on Academic Appeals that they had some evidence on the point. It was, however, far from convincing in the form in which it was presented to them. They observed somewhat cryptically that they had particular trouble evaluating it and that because of the "unusual format" had sent it to the department "for evaluation and comment". Whether they were suspicious of the authenticity of the letters or disapproving of them in some other way is

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hard to tell. Certainly one could expect instructors to be more articulate and to give reasons for their recommendation. It was obvious from the hand writing and the construction that the letters were prepared by the appellant rather than by the instructors, although the instructors had signed them. The grammar and syntax left something to be desired and the contents were brief to the point of terseness. This suspicion was recognized by the student's representative and the authenticity of the letters was vouched for at this Committee's hearing by affidavits from the two instructors. The Committee decided not to penalize the appellant, believing his instructors should have insisted on the preparation of more appropriate documents. Again, it was our view that the Subcommittee on Academic Appeals might have reached a different conclusion had they been given the evidence or the form of evidence the Committee received.

It is frustrating for the division concerned as well as for this Committee to have an appeal go through two earlier stages before the appellant obtains appropriate advice. It is not clear what can be done about it. But it might be worthwhile for divisional committees and this body as well to give the question some consideration.

In any event the appeal is allowed.

Secretary
May 31st, 1989

Chairman

