CONFIDENTIAL

Item 4

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 105 OF THE ACADEMIC APPEALS BOARD

November 21st, 1986

To the Academic Affairs Committee, University of Toronto.

Your Board reports that it held a hearing on Friday, November 21st, 1986 at 3:15 p.m., in the Board Room, Simcoe Hall at which the following were present:

Professor J. B. Dunlop (In the Chair) Professor F. Flahiff Professor S. Aster Mr. M. Bilaniuk Ms. F. Currey Ms. Irene Birrell, Secretary

In Attendance:

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Mr. 1974 Dr. P.J. White, Secretary School of Graduage Studies Dean R. Farber, Faculty of Social Work Professor M. Bogo, Faculty of Social Work

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

At meetings on November 21st and 28th, 1986 the Academic Appeals Board heard and decided the appeal of \mathcal{MR} . \mathcal{M}_{\cdot} against a decision of the Committee on Applications and Memorials of the School of Graduate Studies refusing the appellant's request to be granted a right of appeal within the Faculty of Social Work. The appellant wished to appeal a grade of F assessed on his final practicum. The Dean of the Faculty declined to convene a meeting of the Committee on Staff/Student Rights and Responsibilities on the ground that since the appellant was repeating the practicum, he would not, under the Faculty's rules, be entitled to do the practicum a third time. Thus, in the Dean's view, there was no right of appeal.

In the Board's view, the appellant was entitled as of right to a hearing before the Committee on Staff/Student Rights and Responsibilities and therefore allows the appeal.

It is true that the appellant was repeating the practicum, having been granted the right to do so through an earlier appeal to the Committee on Staff/Student Rights and Responsibilities. It is also true that the Faculty's Manual of Grading Practices and Procedures states that "a student is not permitted to repeat a course more than once". However, such a prohibition cannot be treated as categorical. For example, if there were extenuating circumstances such as a serious illness on the part of the student, fairness would require that there be an exception to the rule. Similarly a failure which resulted from an unfair bias on the part of an instructor against the student should give rise to a second exception. The question then becomes, who is to determine whether an exception should be made in a particular case. The Constitution of the Faculty provides the answer. The section of the Constitution dealing with the function of the Council of the Faculty provides:

> The Council must conduct appeals by any member of the Faculty (staff or student) against any intra-Faculty decision below the level of Council.

A by-law of the Council establishes a Committee on Staff/Student Rights and Responsibilities and assigns to it the responsibility

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To receive and hear all petitions and appeals from any member of the Faculty and to report its actions to the Council.

The reasons for the decision of the Applications and Memorials Committee of the School of Graduate Studies contain the following paragraph:

> The Applications and Memorials Committee found the language of (a) the Constitution and (b) the Manual of Grading Policies and Procedures of the Faculty of Social Work to be ambiguous and <u>ex facie</u> apparently conflicting as to whether it was mandatory to give Mr. M. a hearing. The Committee recommends that these documents be clarified and made consistent. The Applications and Memorials Committee's own hearing, however, gave Mr. M. an opportunity to present his case on the question of the evaluation of his practicum.

In the Board's view, the conflict is not irreconcilable once it is accepted that there must be exceptions to the rule against repeating.

The Applications and Memorials Committee heard certain evidence and decided to dismiss the appeal. It is the Board's view that the appropriate remedy is to direct a hearing at the Faculty level. It seems to the Board to be important, at least in the first instance, that the appeal be considered by members of the discipline of Social Work. A hearing before the Board, none of whom has an expertise in the field, cannot be an adequate substitute.

It was the contention of the Dean of Social Work that very careful consideration had been given to all of the appellant's complaints about his second practicum and that there was therefore nothing to be gained by having the case heard by the appeal body. However, the Constitution is clear. The appellant is entitled to a hearing by the duly constituted appeal body of the Faculty. The appeal must therefore be allowed.

Secretary January 21st, 1987

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Chairman

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