

**UNIVERSITY OF TORONTO  
GOVERNING COUNCIL**

**REPORT NUMBER 237 OF THE ACADEMIC APPEALS COMMITTEE**

**May 12, 1999**

To the Academic Board,  
University of Toronto.

Your Committee reports that it held a hearing on Wednesday, May 12, 1999, at which the following were present:

Professor Emeritus Alan Mewett, Acting Chair  
Mrs. Ruth Alexander  
Professor John Mayhall  
Professor Olga Pugliesi  
Ms Priya Suagh

Ms Patti Seaman, Secretary, Academic Appeals Committee

In Attendance:

Mr. D.S., the Appellant  
Professor Barrie S. Hayne, Graduate Department of English  
Mr. and Mrs. S., the Appellant's Parents

Although duly served with the appeal notice and given notice of the date of the hearing, the School of Graduate Studies chose not to respond to the Notice of Appeal, nor did it send its own representative to the Hearing. Professor Hayne, of the Graduate Department of English, the Thesis Supervisor of the student appellant, took no position on the substantive merits of the appeal. He, quite properly, informed the Committee of his position, and while the Committee gained considerable assistance from his presence, it would have gained even more assistance had the School of Graduate Studies not chosen to absent itself. It is to be hoped that in future, the School will not adopt such a course.

The student appeals a decision of the Graduate Academic Appeals Board dismissing an appeal from the decision of the Associate Dean, Division I, dismissing an appeal from the student's Ph.D. examination committee dated January 9, 1998, which had failed the student on his oral defence of his Ph.D. thesis, although his written work was satisfactory. This oral defence was at a reconvened committee meeting, held after the first examination committee, held on January 10, 1997, had been adjourned in accordance with the rules of the School of Graduate Studies.

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In the summer of 1995, after having completed his necessary course work, the student applied for, and obtained a one-year extension to complete his thesis. In the summer of 1996, he again applied for an extension, but this was refused and it was decided that his examination committee would be convened in the following academic year. The student accordingly submitted his thesis and the committee met on January 10, 1997.

Unfortunately for the student, neither Professors Asals or Bewell, members of his supervising committee, was able to be on that committee, but there is no requirement that they be members and the committee was duly and properly constituted, even if its constitution was not all that the student himself might have desired. The result reached at that meeting was that the meeting was "adjourned" – a formal and precise term, meaning that the result is unsatisfactory, but that the student is given a second opportunity to pass at the reconvened meeting, usually in twelve months' time.

When an examination is adjourned, the rules of the School require that the student be given written notice of the reasons why the committee was not satisfied. The student did receive a detailed report as to why the written thesis could not be accepted in its present form, along with, as is customary, detailed suggestions for improvement. A majority of the committee also found, however, that the student's oral defence was unsatisfactory and the report given to the student on this aspect of his failure leaves much to be desired. It merely states:

Since the oral part of the examination was not satisfactory, you are advised:

- (a) that you are not required to use all of the permitted twenty minutes for an opening statement; and that it is advisable to prepare notes for this part of the examination;
- (b) to respond to questions as succinctly and directly as possible, asking for clarification if the question is confusing;
- (c) to do a mock examination with your supervisor, for practice.

This hardly gives the student adequate notice of the reasons for his failure, save by implication, but even then, it falls short of being a clear and direct explanation of why the examiners found his performance on the oral part of the examination unsatisfactory.

Nevertheless, the student revised his thesis in accordance with the appraisals and the adjourned meeting of examiners was reconvened on January 9, 1998. At this meeting, the examiners found the thesis to be satisfactory but again failed the student on the oral portion of the examination. Surprisingly, the rules of the School of Graduate Studies, while requiring written reasons to be given to the student in the case of an adjournment, have no requirement that the student be given any reasons at all in the case of a failure. Nor, in this case, was the student given any reasons, in spite of his efforts to obtain them.

This situation is wrong. Where a student is given a right to appeal a decision, implicit in that right must be the right to know the reasons for any adverse decision, or else the right to appeal cannot be exercised in any meaningful and informed way.

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If the oral component of the Ph.D. examination is to be taken seriously – and this case shows that it is – then the rules must provide adequate safeguards to protect the right of the student and the rules must be followed. In the case of an adjournment, where the student has failed the oral component of the examination, he or she must be fully informed of the reasons for the unsatisfactory nature of the performance, not merely given advice on how to improve the performance in the future. In the case of an outright failure, the student must also be fully informed of the reasons for the failure. The rules of the School of Graduate Studies must be amended accordingly.

For these reasons, this Committee allows the appeal of the student and allows him a third examination on the oral component of his Ph.D. examination.

The student's second request concerned the constitution of the examination committee itself, but, as stated above, the examination committee was not improperly constituted, although the circumstances did combine against the student to produce a committee that was somewhat out of the ordinary in that neither Professors Asals or Bewell, members of his supervising committee, was a member, nor was the Director of Graduate Studies of the Department of English. Furthermore, the members of the committee were appointed without consultation with the student's supervisor, again, as is customary, but there is nothing in the rules that require any of this to be done nor is this Committee of the opinion that the rules should require it. Members of any such committee are appointed by the appropriate director in good faith in the best interests of the student and of the University. However, since the student's reconvened examination in January 1998, the rules regarding the composition of Ph.D. examination committees have now been changed to provide as follows:

The graduate unit will make nominations to SGS for a committee of four to six voting members to conduct the Final Oral Examination (the Examination Committee). The quorum is four voting members. The Committee is to consist of one to three members of the supervising committee and one to three members who have not been closely involved in the supervision of the thesis. Eligible for inclusion in the latter group would be the external appraiser (in person or by audio or video connection); members of the graduate faculty of the University in other departments, centres, or institutes; and other faculty-members from the candidate's unit. The Associate Dean may modify the composition of the Examination Committee to fit exceptional circumstances. Graduate units must ascertain in advance the willingness of the persons named to act.

This Committee orders that the student's third examination be before a committee constituted in accordance with the revised rules.

The student's third and final request concerned the fees that he would be required to pay. This problem has been before this Committee before and, in view of the unavoidable delay between the time of the original decision and the final decision on appeal, it is an inevitable problem and one that is best solved on an ad hoc basis depending on the circumstances. In

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this case, had the student's initial appeal, in the first instance, to the Associate Dean, Division I, been allowed, as in the opinion of this Committee it should have been, the student would have been charged the fee payable by a student for the term in which the oral examination was taken. In the opinion of this Committee the student should not be placed in any worse position than he would have been had his initial appeal been allowed. It is therefore ordered that the student be required to pay only the appropriate fee that would have been charged had the initial appeal been successful.

Patti Seaman  
Secretary

Alan Mewett  
Acting Chairman

May 12, 1999