

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 63 OF THE ACADEMIC APPEALS BOARD

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a meeting on Tuesday,
March 31st, 1981, at 2:00 p.m. in the Dean's Conference Room, Medical Sciences
Building, at which the following were present:

Professor J.B. Dunlop (In the Chair)
Ms. Beverley A. Batten
Mr. Paul W. Beame
Professor Ernest G. Clarke

Professor W.E. Grasham
Professor Kenneth G. McNeill
Professor Victor G. Smith
Miss M. Salter, Secretary

In Attendance:

Mr. S.
and counsel Mr. Paul Calarco,
Toronto Community Legal Assistance
Services

Dean J.F. Leyerle
School of Graduate Studies
and counsel
Mr. H. Donald Guthrie, Q.C.
Cassels, Brock

Professor J.F. Burke
Associate Dean
School of Graduate Studies

Professor J.G. Slater
Department of Philosophy

Dean A.M. Kruger
Faculty of Arts and Science

Professor A.K. Warder
Department of East Asian Studies

Dr. P.J. White
Secretary
School of Graduate Studies

THE MEETING WAS HELD IN CLOSED SESSION

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

1. Mr. S.

At its meeting on March 31st, 1981 the Academic Appeals Board heard the appeal of Mr. S. against a decision of the Applications and Memorials Committee of the School of Graduate Studies dismissing an appeal from a decision to terminate his candidacy in the doctoral programme in Sanskrit and Indian Studies. The decision of the Board is that the appeal should be dismissed.

The appellant had been unsuccessful on a second reconvened Ph.D. oral examination held October 1st, 1979 pursuant to a decision of this Board.

The appellant's first oral examination in April of 1977 had been adjourned and when it was reconvened in April, 1978 the appellant failed. This Board's decision to allow a second reconvened oral was based on the view that the appellant did not have an adequate opportunity on the first reconvened oral to defend his thesis and establish his capabilities. Extraordinary conditions of factionalism within the department which, in the end, led to the dissolution of the department gave rise to an atmosphere of unusual tension and, taken with certain procedural irregularities, seemed enough to justify permitting the appellant a further opportunity to be examined orally and to defend his dissertation.

On the present appeal the appellant advanced medical grounds, procedural irregularities and adverse conditions as bases for being given yet another chance.

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The medical grounds involved dental trouble which caused pain and led to the use of the pain killer Tylenol. It was Mr. S's position that his ability to cope was thereby diminished. On the evidence, however, the Board was not convinced that the appellant's performance could be put down to that. It was, according to Dean Leyerle, who chaired the examination the poorest performance he had ever seen.

The appellant also claimed that the make up of the Committee was not such as to assure a fair and impartial hearing. There were two aspects to this claim. One involved the matter of factional tensions, the other the claim that the composition of the Committee created a bias or a reasonable apprehension of bias against the appellant.

As to the matter of factionalism and tension the evidence did not establish the claim. Both Dean Leyerle and Dean Burke testified that the tension which had led to the dissolution of the department and the establishment of a new programme had subsided by the Fall of 1979. It was the Board's view that intra-faculty conflict could not continue to be an excuse for Mr. S's failure adequately to defend his thesis.

As to the bias or apprehension thereof the Board again felt that the claim was not established. Dean Leyerle outlined the steps he had taken to ensure that the Committee be as objective and fair as possible. He obtained the appellant's views as to membership and of the four persons to whom the appellant objected he left three off the Committee. He was satisfied - and the Board agrees - that the fourth individual had no reason to be less than objective about the appellant's work. He took the unusual step of chairing the meeting himself. Procedures were scrupulously followed. Dean Leyerle, Dean Burke and Professor Warder spoke of tension in the examination and aggressive questioning. Both Dean Burke and Dean Leyerle were of the view that it was not out of the ordinary. While the examiners became irritated at times with the appellant's performance (Dean Leyerle said he had never seen a candidate who so systematically avoided answering the questions), there was no personal prejudice or hostility towards the appellant. Professor Warder agreed that tension and aggressive questioning were normal in a Ph.D. oral but thought that they had gone beyond the norm in the appellant's case. He also agreed that the defence was not good but said he got the feeling that an attempt was being made to create a false impression that the appellant was incompetent. On all the evidence the Board could see no possible motive for such an objective and has come to the conclusion that, unfortunately, the impression of the appellant's incompetence is not a false one.

The appellant has now failed on three occasions to pass an oral examination on his dissertation and the Board sees no grounds for granting a fourth opportunity and no valid purpose to be served thereby.

Appeal dismissed.

Secretary
August 14th, 1981

Chairman