

REPORT NUMBER 26 OF THE SUBCOMMITTEE ON ACADEMIC APPEALSSeptember 16, 1976

To the Academic Affairs Committee,
University of Toronto.

Your Subcommittee reports that it held a meeting on Thursday, September 16, 1976, at 4:15 p.m. in the Council Chamber, Faculty of Pharmacy, 19 Russell Street, at which the following were present:

Professor J. B. Dunlop (In the Chair)	Principal A. M. Kruger
Mrs. Frances M. Barten	Professor Peter F. Salus
Professor J. Michael Bliss	Mr. David Vaskevitch
Professor A. M. Hunt	Miss M. Salter (Secretary)

In Attendance:

Mr. J. and Counsel, Miss Joan Gilmour Campus Legal Assistance	Mr. David Keeling Assistant Dean Faculty of Music
Miss P. and Counsel, Mr. Chris Tzekas Campus Legal Assistance	Professor Gaynor Jones Faculty of Music

THE FOLLOWING ITEMS ARE REPORTED FOR INFORMATION

THE MEETING WAS HELD IN CLOSED SESSION

1. Mr. J.

The Subcommittee on Academic Appeals considered the appeal of Mr. J. against a decision of the Committee on Petitions of the Faculty of Music refusing his petition to be allowed to withdraw from TMU 102. The appellant subsequently did extremely poorly in the course and this affected his year's average very markedly. He was refused admission by the Faculty to repeat first year. In this appeal the appellant asked to be allowed to withdraw from TMU 102 and to be allowed to repeat his year. The decision of the Subcommittee is to grant the appeal.

The appellant's evidence was that he did not realize until February 1976 that TMU 102, being one of the basic music courses, could not be dropped without a petition. Nor did he realize that a petition would only be granted upon special circumstances such as, for example, illness. He assumed that he could withdraw from TMU 102, as he could have withdrawn from other courses, at any time until the stated deadline for withdrawal from courses of Friday, February 13th, 1976. It was the appellant's further contention that, had he known of the rules relating to basic music courses at a sufficiently early date, he would have been in a position to drop one or more of the other courses he was carrying to permit him to concentrate more effort on TMU 102.

In the view of the Subcommittee, regulations such as the one which affected the appellant in this case should be spelled out clearly in a calendar or other document that is received by all students. Otherwise students may unwittingly come to grief through ignorance for which they cannot be blamed. The current calendar of the Faculty does spell this regulation out but the one which applied during 1975-76 did not. It is true that the appellant could have learned of the regulation if he had inquired but he was not aware of any need to inquire. The Subcommittee felt that the appellant's position could well have been different had he known of the regulation and it took the view that his ignorance of the regulation was not unreasonable in the circumstances. Thus, the Subcommittee concluded that withdrawal from TMU 102 should be permitted and that on the basis of the appellant's amended record an opportunity to repeat the year should be allowed.

REPORT NUMBER 26 OF THE SUBCOMMITTEE ON ACADEMIC APPEALS - September 16, 19761. Mr. J. (Cont'd)

YOUR SUBCOMMITTEE AGREED

THAT the appeal of Mr. J.
against a decision of
the Committee on Petitions of the
Faculty of Music be allowed, that
he be allowed to withdraw from
course TMU 102 and that he be
allowed to repeat the first year.

2. Miss P.

P. The Subcommittee on Academic Appeals considered the appeal of Miss
against a decision of the Committee on Petitions of the Faculty of
Music refusing her petition to be allowed to withdraw from TMU 104. The
appellant subsequently was awarded a mark of zero in the course and as a result
had a failing average for the year. In this appeal the appellant asked to be
allowed to withdraw from TMU 104 and to be allowed to proceed to the second year
on the basis that her average after the exclusion of the mark in TMU 104 would
be a passing average. The decision of the Subcommittee was to grant the appeal.

The appellant's evidence was that she did not realize until February
1976 that TMU 104, being one of the basic music courses, could not be dropped
except upon petition. Nor did she realize that a petition would only be granted
upon showing of special circumstances such as, for example, illness. She had
stopped attending the course in November because she felt that she was not
doing well. She took no steps to withdraw until February because she assumed
that she was entitled to withdraw from TMU 104, as she could have withdrawn from
other courses, at any time until the stipulated deadline for withdrawal from
courses on Friday, February 13, 1976. By the time that her petition had been
refused it was impossible for the appellant to resume work in TMU 104. It
was her contention, that had she known the rules relating to withdrawal from
basic music courses in November, she could have continued work on TMU 104 and
either passed the course, or at least obtained sufficient marks to give her
a passing average on the year. A mark of 30 percent would have given her an
average for the year of 60.

In the view of the Subcommittee, regulations such as the one which
affected the appellant in this case should be spelled out clearly in a calendar
or other document that is received by all students. Otherwise students may come
to grief due to ignorance for which they cannot be blamed. The current calendar
of the Faculty does spell this regulation out but the one which applied during
1975-76 did not. It is true that the appellant could have learned of the
regulation if she had inquired but she was not aware of any need to inquire.
The Subcommittee felt that the appellant's position would very likely have been
much different had she known of the regulation and it took the view that her
ignorance of the regulation was not unreasonable in the circumstances. Thus,
the Subcommittee concluded that withdrawal from TMU 104 should be permitted and
that on the basis of the appellant's amended record she should be entitled to
enter the second year and to repeat TMU 104.

YOUR SUBCOMMITTEE AGREED

THAT the appeal of Miss P.
against a decision of the
Committee on Petitions of the
Faculty of Music be allowed, that
she be permitted to withdraw from
course TMU 104 and that she be
allowed to proceed to the second
year.

The meeting adjourned at 6:45 p.m.

Secretary
September 23rd, 1976

Chairman