

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 29 OF THE SUBCOMMITTEE ON ACADEMIC APPEALS

To the Academic Affairs Committee,
University of Toronto.

Your Subcommittee reports that it held a meeting on Wednesday, March 2nd, 1977 at 4:15 p.m. in the Council Chamber, Faculty of Pharmacy, at which the following were present:

Professor J.B. Dunlop (In the Chair)	Professor George A. Reid
Professor J. Michael Bliss	Professor Peter H. Salus
Professor W.E. Grasham	Mr. Robert Snell
Professor A.M. Hunt	Mr. David Vaskevitch
Miss Valerie Pugh	Miss M. Salter, Secretary

1. Chairman's Remarks

The Chairman announced that, since this was a general meeting of the Subcommittee rather than an appeal hearing, alternate members had been invited to attend. He welcomed them and introduced members.

He explained that the Subcommittee had been asked to consider and make recommendations to the Academic Affairs Committee on several matters. Two of these concerned recommendations made by the Ombudsman in his report on the case of [REDACTED] and one involved a query from the Chairman of the Governing Council concerning the name of the Subcommittee.

The Chairman also reported to the Subcommittee regarding letters received from the Faculty of Music and the Faculty of Arts and Science which had raised questions concerning the jurisdiction and procedures of the Subcommittee. Copies of these letters were circulated to members along with copies of the letters written in reply by the Chairman.

Noting that it was evident from the letters that there was some misunderstanding of the Subcommittee's function, the Chairman stated that he hoped to compile a handbook for the use of those concerned with academic appeals. The handbook would set out the terms of reference of the Subcommittee, its legal obligations as defined in the Statutory Powers Procedure Act, and would outline some of the previous decisions which could be regarded as precedents. He distributed to members a draft Introduction he had prepared for the proposed handbook.

THE FOLLOWING ITEMS ARE RECOMMENDED FOR APPROVAL

2. Recommendations of the University Ombudsman

The Chairman referred to recommendations made by the University Ombudsman in his report on the case of [REDACTED]. The first of these was an item which he felt should have been included in the Guidelines on Academic Appeals Within Divisions to the effect that a statement of reasons for an appeal decision be given to the appellant. Members agreed with this proposal.

YOUR SUBCOMMITTEE RECOMMENDS

THAT the Guidelines for Academic Appeals Within Divisions be amended by the addition of the following section as number 13: "The divisional committee should give appellants a concise but complete statement of reasons for the decision at the time the decision is handed down."

REPORT NUMBER 29 OF THE SUBCOMMITTEE ON ACADEMIC APPEALS - March 2nd, 19772. Recommendations of the University Ombudsman (Cont'd)

The second recommendation concerned development of a guideline for the release of documents relevant to appeals. The Chairman pointed out that the Subcommittee had the authority under the Statutory Powers Procedure Act to order the production of documents, but it had no rules concerning this.

One possibility would be a general rule to the effect that for the purpose of an appeal all relevant documents should be made available by the parties to an appeal. If a party objected to the production of a document on any ground (such as privilege) or if there were a question as to its relevance, the Subcommittee could consider it as a specific case and rule on it.

Concern was expressed about the release of documents which the authors had thought to be confidential. The Chairman noted that the Subcommittee might examine a document in camera to see whether or not it should be made available. However, once it became a piece of evidence, it could no longer be controlled. There might be confidential material on file which would have no bearing on the issue and should not be disclosed under any circumstances. The Subcommittee should, however, be in a position at least to consider any relevant documentation. He pointed out that there were several alternatives. Requests for documents could be dealt with on a case by case basis, in which case guidelines would evolve as a matter of precedent. Another possibility would be to state a general principle and say that any disputes would be dealt with by the Subcommittee. Detailed guidelines at this stage would be difficult to draw.

After further discussion, the Subcommittee agreed upon a general statement.

YOUR SUBCOMMITTEE APPROVED

THAT a party to an appeal may request the other party to produce relevant documents in the possession or under the control of the other. If a party objects to produce any document the Subcommittee will consider the request and the objection as a preliminary issue and rule on it.

3. Name of the Subcommittee

The Chairman reported that he had received a letter from the Chairman of the Governing Council expressing concern that the term "Subcommittee" tended to be misleading in that it gave the impression that decisions were subject to review and approval by some other body.

Members discussed possible titles and decided that "tribunal" would be suitable, since the body was a tribunal under the Statutory Powers Procedure Act.

YOUR SUBCOMMITTEE RECOMMENDS

THAT the title of the Subcommittee on Academic Appeals be changed to Academic Appeals Tribunal in order to more accurately define its function.

The meeting adjourned at 5:30 p.m.

Secretary
April 22nd, 1977

Chairman