

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 31 OF THE ACADEMIC APPEALS BOARD

To the Academic Affairs Committee,  
University of Toronto.

Your Board reports that it held a meeting on Wednesday, June 22nd, 1977 at 3:00 p.m. in the Council Chamber, Faculty of Pharmacy, at which the following were present:

Professor J.B. Dunlop (In the Chair)	Principal M. Kruger
Mrs. Frances Barten	Mr. Michael E. Treacy
Professor J. Michael Bliss	Mr. David Vaskevitch
Professor W.E. Grasham	Ms. C. Lendenmann, Secretary
Professor A.M. Hunt	

In Attendance:

Professor W. B. Coutts, Faculty of Management Studies  
Professor D. P. Kerr, Associate Dean, School of Graduate Studies  
Mr. L.  
Mr. Peter White, School of Graduate Studies

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

THE MEETING WAS HELD IN CLOSED SESSION

1. Mr. L.

At its meeting on Wednesday, June 22nd, 1977 the Academic Appeals Board heard the appeal of Mr. L. against a decision of the Applications and Memorials Committee of the School of Graduate Studies dismissing an appeal from a decision of the Graduate Department of Management Studies to terminate the appellant's candidacy for a M.B.A. degree. In denying the appeal the Applications and Memorials Committee took note that the Department of Management Studies had conditionally offered to allow the student to repeat the first year of the M.B.A. programme. When the appellant subsequently attempted to take up this offer, however, he was refused admission and he thereafter launched the appeal to this Board. The decision of the Board is that the appellant's request for a declaration of eligibility to proceed to second year should be refused but that the decision to refuse him readmission should be set aside and he should be entitled to repeat the first year of the programme.

The Board received evidence concerning medical tests that the appellant underwent during the course of the academic year, the stress that these tests would have put on him and the hampering effect of various medications which he took over significant periods of time. Although some of this evidence was not offered at earlier stages of the proceedings, the Graduate Department of Management Studies nevertheless concluded that the medical grounds warranted giving the appellant an opportunity to repeat the first year notwithstanding that he had twice failed Economics 1010X and, in accordance with the ordinary rule, would have been required to discontinue. The more extensive medical evidence presented to the Board could not have led to any better result for the appellant since the School of Graduate Studies has no provision for aegrotat standing. A letter dated January 17th, 1977 from Associate Dean J.P. Siegel to the appellant explained why the offer of a chance to repeat had been withdrawn.

The Faculty at its meeting last Friday, January 14th, considered your request to repeat the first year of our program.

REPORT NUMBER 31 OF THE ACADEMIC APPEALS BOARD - June 22nd, 19771. Mr. L. (Continued)

On October 7th, 1976 we extended an invitation allowing you to repeat the entire first year conditional on the substantiation of the medical portions of your appeal and you were to inform us by November 1st of your plans.

In reviewing your request the Faculty considered your previous academic performance, your G.M.A.T. score which is now below the general level of acceptance and the decision of the Applications and Memorials Committee. The Faculty decided to deny your admission to the program and to suggest that you seek graduate studies in business elsewhere.

This was not the only documentary reference to the November 1st deadline. A memorandum on file signed by J.P. Siegel and dated October 7th, 1976 stated that the decision to allow the appellant to repeat his first year had been conveyed to him and that he "was to inform us by November 1, 1976 of his plans." The Applications and Memorials Committee, however, apparently believed that the offer was still open at the time of its decision on November 23rd, 1976. It may have been led to believe this by the submission of the Department addressed to Mr. Peter White, Secretary of the Applications and Memorials Committee, signed by Associate Dean Siegel and dated December 2nd, 1976 which concludes with the following sentence: "If the Committee wishes to accept the medical grounds in his appeal statement, we in turn would be willing to readmit Mr. LaFontaine to the entire first year of the program which he has not yet mastered to the satisfaction of the Faculty." The appellant testified that he was unaware of the November 1st deadline and there was no other document referring to it. It would therefore appear that the Department did not convey this limitation on its offer to the appellant in writing and that any oral attempt that may have been made was not successful. It is the Board's view that important conditions required to be met by students ought to be set out in writing. Rules of general application should be published and requirements in particular cases should be conveyed by letter addressed to the student.

More importantly, the Board takes the view that students should be free to appeal academic decisions without prejudice to their existing rights or privileges. Since the appellant could not have carried through his appeal to the Applications and Memorials Committee prior to the November 1st deadline the offer to allow him to repeat should have been extended until the conclusion of any appeal proceedings that he might desire to launch.

The appellant's request to be permitted to proceed to the second year was based on the argument that, while the marks he obtained in the spring of 1976 did not result in a passing average, he had been "upgraded" in two courses and conditionally "upgraded" in Economics 1010X, the condition being that he should satisfy the instructor over the course of the summer that he had in fact learned enough to justify a passing grade. He had been prevented from fulfilling this condition, he testified, by the inaccessibility of the course instructor. This contention was disputed by the Department. The Board was somewhat puzzled by the "upgrading" procedures, but in any event, they were not accepted by the Department. According to a record of a meeting of the Examiners' Committee in September 1976 two grade changes, including the conditional one, had been forwarded to the Committee, not three as claimed by the appellant. These grade changes were not accepted because they were not substantiated but, in a procedure the Board also found puzzling, the appellant was given "a deadline of September 27th to provide evidence from Professor King and Professor Woodward as to why such grade changes should be entertained and accepted." It seemed to the Board that requests for substantiation of grade changes should have been directed to the professors rather than to the student but, in any event

REPORT NUMBER 31 OF THE ACADEMIC APPEALS BOARD - June 22nd, 1977

1. Mr. L. (Continued)

no substantiation was ever provided and the evidence presented to the Applications and Memorials Committee and to this Board did not persuade either body that the appellant was entitled to a passing standing. However important medical reasons may have been, the fact remains that the appellant's demonstrated performance did not measure up to the requirements of the Graduate Department of Management Studies.

The meeting adjourned at 6:15 p.m.

Secretary  
July 15th, 1977

Chairman

