

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 32 OF THE ACADEMIC APPEALS BOARD

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held meetings on Wednesday, September 21st, 1977 at 4:00 p.m. in the Dean's Conference Room Faculty of Medicine and on Monday, September 26th, 1977 at 4:00 p.m., in the Office of the Governing Council, at which the following were present:

Professor J.B. Dunlop (In the Chair)	Miss Valerie Pugh
Professor Dennis Duffy	Professor Peter H. Salus
Mrs. Frances Jones	Mr. Michael E. Treacy
Professor R.H. Marshall	Miss M. Salter, Secretary

In Attendance:

Miss F.
and Counsel Mr. Alfred Page
Students' Legal Aid Society

Professor T. Francis
Department of Nutrition and
Food Science

Professor G.H. Beaton
Acting Dean
Faculty of Food Sciences

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

THE MEETING WAS HELD IN CLOSED SESSION

1. Miss F.

At a meeting on Wednesday, September 21st, 1977 the Academic Appeals Board heard the appeal of Miss F. against a decision of the Faculty of Food Sciences Appeal Committee upholding a decision of the Examinations and Awards Committee refusing her petition to be allowed to proceed to fourth year notwithstanding her failure to achieve a passing average in the third year. Inasmuch as the appellant had failed an earlier year she was required to withdraw from the Faculty.

The Academic Appeals Board does not consider that the Faculty erred in refusing the appellant permission to proceed to the fourth year. The Board accepts the Faculty's view that the appellant's record does not disclose a foundation of knowledge sufficient to permit her to undertake work at the fourth year level. On the other hand, the Board feels that the personal difficulties described by the appellant in her oral testimony and documentary evidence were sufficiently serious to have had a marked effect on her ability to pursue her studies and would justify an exception to the normal rule under which she should be required to withdraw for a second failure.

The problem that was faced by the Faculty and, indeed, is faced by the Board, is that the normal consequence of making such an exception is not available. The normal consequence would, of course, be to permit the appellant to repeat the third year. Due to the fact that it is being phased out of existence the Faculty of Food Science no longer has a third year. It is the Board's view, however, that in cases where a student would ordinarily be allowed to repeat a year, although the University may not be under an obligation to ensure that the very programme be kept intact for the purpose, it is under some obligation to provide an alternative programme that could lead to the granting of the degree toward which the student was working.

The Board wishes to stress that it is not implying that the University has an indefinite obligation to the students in a programme which it proposes to wind-up, but the students in such a programme, if no provision is made for them of the sort that the Board contemplates, are in a more precarious position than students in continuing programmes. Where this departure from the University norm is not clear to them when they enter the

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1. Miss F. (Cont'd)

programme, some transitional arrangements to take account of failures need to be made. To say that a student in such a position has no recourse whatsoever is unduly Draconian.

It appears to the Board that there are courses in other faculties of the University which the appellant could be allowed to take, without necessarily being admitted to those faculties, for the purpose of completing the degree toward which she has already obtained some credit. No doubt it would be a programme that could not be regarded as the very equivalent of the programme being phased out. Such cases will not often arise. Indeed, this one may be unique. It imposes an obligation on the University that, being limited is not unduly onerous but is fair to the student. It is the view of the Board that it would be legitimate to grant the degree on the basis of such a programme if successfully completed.

It would be the Board's view that discussion between the acting Dean of Food Sciences or his nominee and the Dean of Arts and Science or his nominee could result in the establishment of a reasonable alternative programme. It is conceivable that other University faculties would have relevant course-work as well.

The Board would be prepared to reconvene to consider any proposed programme, or to offer any other assistance.

Secretary
October 17th, 1977

Chairman