

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 33 OF THE ACADEMIC APPEALS BOARD

To the Academic Affairs Committee,  
University of Toronto.

Your Board reports that it held a meeting on Wednesday,  
August 10th, 1977 at 4:00 p.m. in the Council Chamber, Faculty of Pharmacy,  
at which the following were present:

Professor J.B. Dunlop (In the Chair)	Mrs. Frances Jones
Professor Dennis Duffy	Professor J.W. Maakin
Professor W.E. Grasham	Mr. Michael Treacy
Professor A.M. Hunt	Ms. C. Lendenmann (Secretary)

In Attendance:

Miss Z. and Counsel Mr. Derek D'Oliveira	Mr. A.R. Waugh Assistant Principal and Registrar Woodsworth College
Mr. W.D. Foulds Assistant Dean and Secretary Faculty of Arts and Science	

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

THE MEETING WAS HELD IN CLOSED SESSION

1. Miss Z.

At its meeting on August 10th, 1977 the Academic Appeals Board heard the appeal of Miss Z. from the dismissal of a number of petitions by the Faculty of Arts and Science relating to three courses: Slavic 321, French 140 and French 322. The appellant had taken these courses as a part-time student. She had taken French 322 twice: in the winter session of 1970-71 and in the summer session of 1972. In the winter session of 1970-71 the appellant also took Slavic 321. Six of the petitions, with dates ranging from April 20, 1971 to June 22, 1973 related to the two courses taken in 1970-71. The appellant sought extensions of time on medical grounds, presenting additional evidence in each succeeding petition. With respect to French 322, she sought permission to complete assignments and undergo a final examination. With respect to Slavic 321 the appellant had completed all assignments to the satisfaction of the instructor, but not within the prescribed time limit, so that an extension was sought to permit credit for the course to be received. These requests were refused but ultimately the petitioner was allowed to withdraw from the courses without academic penalty.

The appellant took French 140 in the winter session of 1971-72 along with two other courses. A petition dated May 5, 1972 sought an extension of time on medical grounds to May 5, 1972 to finish term work. This extension was granted provided that the work had already been turned in. In fact, the work had not been turned in and the course is shown on the appellant's transcript as a failure. With respect to French 322 taken in the summer session of 1972, four petitions dated September 14, 1972 through October 10, 1973 sought extensions of time on medical grounds to allow work to be completed. These petitions were not allowed and the course shows on the appellant's transcript as a failure.

The relief sought by the appellant before the Academic Appeals Board was as follows: (1) with respect to French 322 (winter session 1970-71) permission to complete assignments and submit to a final examination; (2) with respect to Slavic 321, an extension of time to permit credit to be obtained for the course; (3) with respect to French 140, permission to complete and submit assignments, or, in the alternative, permission to withdraw without academic penalty; (4) with respect to French 322 (summer session 1972) permission to submit a late assignment or, in the alternative, permission to withdraw without academic penalty.

REPORT NUMBER 33 OF THE ACADEMIC APPEALS BOARD1. Miss Z. (Cont'd)

The decision of the Board is that with respect to Slavic 321, extension of time requested should be granted ex post facto and the appellant should, therefore, receive credit for the course. With respect to French 140 the appeal should be denied. With respect to French 322 taken in the winter session of 1970-71, the appellant should be granted permission to complete her assignments and to submit to an examination. If the appellant proceeds to complete French 322, the entry for that course on her transcript for the summer session of 1972 should be removed. However, it is to be noted that the entry for French 322 for the winter session 1970-71 could become either a passing entry or a failure depending on the appellant's success in any further work undertaken.

The appellant's reasons for failing to complete the French 322 course and failing to complete the Slavic 321 course on time in 1970-71 were medical. In the Board's view there was no doubt that a severe back problem lasting over the course of several months seriously affected the appellant's ability to do her work and meet her obligations. When the appellant petitioned for consideration in this respect, however, the evidence before the Faculty's committee weighed very much against her. Apart from her own very brief statement of the nature of the problem and the remedy requested, the only supporting evidence was a letter from a chiropractor certifying that she was "undergoing treatment at this office for a cervical spinal disc complaint and has been unable to study without considerable pain and discomfort." This was far from a persuasive document since it gave no dates and went into no details. Perhaps more important was the letter from the appellant's instructor which conveyed a strong impression that the instructor regarded her as a malingerer who had made little effort to meet the requirements of the course. This letter was based on a misapprehension on the part of the instructor but in the Board's view it may very well have had a considerable impact on the disposition of the petition concerning French 322 and, by association, Slavic 321. Medical evidence subsequently produced made the appellant's case much stronger, as did the oral testimony heard by the Board but not previously heard by any Committee in the Faculty of Arts and Science. The appellant was not able to overcome, at the faculty level, the early inadequacy of the evidence on her behalf. In the Board's opinion, however, she should not be held responsible for this. She had been led to understand that a chiropractor's letter would be adequate to support her case and it was through no failing on her part that the letter was vague, lacked information and failed to express the opinion that she had been unable to meet the requirements of her courses. Thus the Board's view is that the case for the requested relief in respect of Slavic 321 and French 322 (winter session 1970-71), even though not initially made out on her petition to the Faculty should succeed.

In respect of French 140, however, the Board supports the Faculty's decision. As the appellant had asked for an extension until May 5, the Board saw no reason why the appellant couldn't have submitted her assignments by May 5, even though credit for them would have depended on her petition being granted. The Faculty did, in fact, agree that an extension was justified provided the work had been completed and submitted.

The Faculty made the point that the appeal to the Board was long delayed and that delay could seriously prejudice the Faculty's ability to make its case. The appellant's explanation was that the matter had been in the hands of counsel (not counsel who eventually represented her at the hearing) and that the delay had been counsel's fault. The Board can only observe that no time limit is established in its terms of reference and that in the circumstances it does not care to visit on the appellant responsibility for counsel's delay. It may be that the Board should consider asking the Academic Affairs Committee to recommend the establishment of a limitation period for appeals to the Board.

Secretary  
November 21st, 1977

Chairman