

CONFIDENTIAL

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

REPORT NUMBER 40 OF THE ACADEMIC APPEALS BOARD

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a meeting on Thursday,
May 18th, 1978 at 2:00 p.m. in the Council Chamber, Faculty of Pharmacy,
at which the following were present:

Professor J.B. Dunlop (In the Chair)
Professor Dennis Duffy
Professor W.E. Grasham
Professor A.M. Hunt
Mrs. Frances Jones

Professor Peter Salus
Mr. Michael Treacy
Miss M. Salter, Secretary

In Attendance:

Mr. *M.*

Professor C.S. Churcher
Associate Dean
Faculty of Arts and Science

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

THE MEETING WAS HELD IN CLOSED SESSION

1. Mr. *M.*

At its meeting on Thursday, May 18th, 1978, the Academic Appeals Board heard the appeal of *Mr. M.* a Woodsworth College student, against a decision of the Sub-Committee on Academic Appeals of the Faculty of Arts and Science denying his request that his suspension from study for one year be removed. The decision of the Board is that the appeal should be allowed and that the suspension should be removed.

(SEE REPORT #36)

The appellant had appeared before the Board on a previous occasion in December, 1977 in connection with the same matter. His suspension had come as a result of his failure in two courses in the 1976-77 winter session: PHL 260F and PHL 283F. The appellant had petitioned the Committee on Standing to be granted late withdrawal without academic penalty from the two courses. The petition and an appeal to the Sub-Committee having been denied, the appellant appealed to the Board. The appellant's evidence on that occasion was that he had found it necessary to take part time employment and therefore had fallen behind in his course work. He had asked for an extension of time to permit him to complete the work but because he was concerned about jeopardizing his OSAP award, a concern which in fact was not well founded, he did not explain the real reason for needing the extension. The extension was refused and the appellant failed in both courses.

At its meeting on December 2nd, 1977 the Board concluded that the particular remedy being sought was not appropriate to the facts of the case. The Board did, however, suggest that the appellant consider submitting a second petition requesting removal from suspension on the basis of extenuating circumstances. Dean C.S. Churcher, representing the Faculty of Arts and Science at the hearing, indicated that this was the procedure the appellant should have followed in the first place and suggested that had he done so his petition might have been successful. He also said, in reply to a question from the Board, that it was still open to the appellant to launch such a petition. In light of this the Board felt the appellant should be required to institute new proceedings rather than be allowed to transform the current proceedings into an application for removal of suspension. Dean Churcher's recollection of the exchange on this subject, as he made clear at the hearing on May 18th, does not accord with the recollection of the members of the Board. Nevertheless, the Board was left with the strong impression that the appellant would

REPORT NUMBER 40 OF THE ACADEMIC APPEALS BOARD - May 18th, 19781. Mr. M. (Cont'd)

have a reasonable chance of succeeding on his second application. The Board also felt that this was an appropriate disposition of the case. The Board was surprised, therefore, to learn from Dean Churcher when he appeared at the second hearing on May 18th, that he had not supported the appellant's petition and that the Committee on Standing had turned it down.

While the Board is reluctant to differ from the Subcommittee on Academic Appeals in its assessment of the evidence of extenuating circumstances and compassionate grounds, in view of the impressions the Board formed on the first appeal and the Board's expectations in the matter it has come to the conclusion that it must do so. The Board was convinced that the appellant had ample reason for his difficulties. It also seemed to the Board that the appellant had already made the kind of reassessment of his position that a suspension is supposed to bring about and had shown that he was capable of proceeding with his work in a successful manner. In view of the difficulties that the appellant has had to overcome throughout his academic career and the hazard that a suspension creates for the future, the Board concluded that the suspension should be removed.

The Board does not, however, feel that this should have retrospective effect so as to give the appellant credit for courses which he attended, and was allowed to attend, contrary to Faculty regulations while the suspension was in effect.

Secretary
July 24th, 1978

Chairman