

THE GOVERNING COUNCIL
REPORT NUMBER 45 OF THE ACADEMIC APPEALS BOARD

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a meeting on Friday, November 10th, 1978 at 3:00 p.m. in the Dean's Conference Room, Medical Sciences Building, at which the following were present:

Professor J.B. Dunlop (In the Chair)	Professor Peter A. Salus
Ms. Beverley A. Batten	Professor Victor G. Smith
Professor A.M. Hunt	Mr. David Tennenhouse
Professor Merrijoy Kelner	Miss M. Salter, Secretary

In Attendance:

Mr. <u>G.</u>	Professor J. Spelt
	Vice-Dean
Mr. <u>M.</u>	Faculty of Arts and Science
and Counsel, Mr. Raj Anand	

THE MEETING WAS HELD IN CLOSED SESSION

THE FOLLOWING ITEMS ARE REPORTED FOR INFORMATION

1. Mr. G.

At a meeting on November 10th, 1978 the Academic Appeals Board heard the appeal of Mr. G. from a decision of the Sub-Committee on Academic Appeals of the Faculty of Arts and Science dismissing an appeal against a decision of the Committee on Standing to deny the appellant's request that the 100 level course in which he received the lowest grade be declared an "extra" course. The appellant had taken five 100 level courses in the winter session of 1976-77 and two in the winter session of 1977-78. The lowest grade was obtained in 1976-77. The decision of the Board is that the appeal should be dismissed.

The policy of the Faculty of Arts and Science, as stated in the relevant calendar, is that a student may receive degree credit for a maximum of six 100 level courses. While the student may take more than six such courses any beyond the maximum number must be designated as "extra" when recorded on the transcript. Courses taken in a previous session may not be recorded as "extra" retroactively. It follows from this that one of the two 100 level courses taken by the appellant in 1977-78 would have to be regarded as the "extra".

The appellant, however, alleged that someone in the registrar's office with whom he spoke had said something which gave him the impression that he would be able to treat the lowest of the seven marks as the "extra". Had he not got this impression, he said, he would have taken only one further 100 level course. However, on the oral and written evidence concerning the relevant events, it appeared to the Board that there was no express statement made to the appellant entitling him to reach the conclusion he did. To the extent that he misunderstood the situation he had no one to blame but himself. Had he simply read the calendar the point would have been perfectly clear.

1. Mr. G. (Cont'd)

In earlier decisions the Board has held divisions of the University responsible for student ignorance of regulations, rules and policies where the regulations, rules and policies were not readily ascertainable by reference to the divisional calendar or other publication (see, for example, Reasons for Decision dated September 20th, 1976, Academic Appeals Handbook, page 56, where the Subcommittee on Academic Appeals, as the Board was then called, stated that "in the view of the Subcommittee, regulations such as the one which affected the appellant in this case should be spelled out clearly in a calendar or other document that is received by all students. Otherwise students may come to grief due to ignorance for which they cannot be blamed.") Once regulations, rules and policies have been made readily accessible in the divisional calendar the divisional administration should be entitled to rely on students to satisfy themselves as to the contents. Otherwise the administrative burden becomes undue. Of course, divisions may nevertheless be held responsible in some circumstances for explicit misinformation orally conveyed to the student. This, however, is not such a situation.

The appeal is therefore dismissed.

2. Mr. M.

At a meeting on November 10th, 1978 the Academic Appeals Board heard the appeal of Mr. M. from the decision of the Academic Appeals Board of the Faculty of Arts and Science dismissing an appeal from a decision of the Committee on Standing refusing the appellant's request for late withdrawal without penalty from CHEM 240Y. The decision of the Board is that the appeal should be allowed.

The appellant, who had achieved a grade point average of 3.40 in the winter session 1976-77 which was his first year at the University testified that emotional problems which began to affect him in May 1977 interfered with his ability to study effectively in 1977-78, particularly in CHEM 240Y. He testified that in March, 1978, he became aware that he was in serious jeopardy. He attempted to withdraw from the course but, unfortunately, the deadline was January 19th and was thus long past. The Academic Appeals Board of the Faculty of Arts and Science in its Reasons for Decision dated October 6th, 1978 stated that "by your own admission your emotional and medical problems began long before January 1978, and the evidence that has been presented does not suggest that your condition became significantly worse after 19 January 1978. Thus there is no reason to suppose that you were incapable of making a reasoned decision concerning your continuance in CHEM 240Y before 19 January, a date which is published in the Arts and Science calendar and which it is incumbent upon every student to know." If the facts as perceived by this Board had been as described by the Faculty's Board, this Board would have reached the same conclusion. However, it appeared to this Board, from the documentary and oral evidence, that the appellant's condition had worsened significantly after 19 January 1978. For this reason the Board reaches a different conclusion.

The appeal is therefore allowed.

Secretary
December 18th, 1978

Chairman