

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 48 OF THE ACADEMIC APPEALS BOARD

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a meeting on Tuesday, January 30th, 1978 at 2:30 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 A.M. Hunt
Professor Merrijoy Kalner
Professor Peter H. Salus

Professor Victor G. Smith
Mr. David Tennenhouse
Mr. Mark K. Wax
Miss Marie Salter, Secretary

In Attendance:

Ms. B.
and Counsel Mr. Walter Wysocky

Mr. B.
and Counsel Mr. David Chong

Dean B. Etkin
Faculty of Applied Science and
Engineering

Professor P. Prangnell
School of Architecture

Mr. J.A. Gow
Assistant Dean and Secretary
Faculty of Applied Science and
Engineering

Professor G.A. Robb
School of Architecture

Professor B.L. van Ginkel
Director
School of Architecture

THE MEETING WAS HELD IN CLOSED SESSION

THE FOLLOWING ITEMS ARE REPORTED FOR INFORMATION

1. Ms. B.

At a meeting on January 30th, 1979 the Academic Appeals Board heard the appeal of MS B. from the decision of the Ombudsman Committee of the Faculty of Applied Science and Engineering not to proceed with an appeal of a decision of the Examination Committee disallowing the appellant probationary admission to the Fall Term, Fourth Year, Civil Engineering. In her first year the appellant had been promoted on probation after achieving an average of 57%. She achieved 60% in each term of her second year but failed the fall term of her third year with an average of 49%. She was required to withdraw but was allowed to apply for re-admission to the next session in competition with all other applicants. She was re-admitted in the fall term of 1977 and again achieved an average of 60%, passing to the spring term on second probation. Having achieved an average of only 56% in the spring term, 1978, she failed and in accordance with faculty regulations was required to withdraw for at least six winter terms (3 academic years). The appellant requested alternative relief from the Board, including the right to repeat the spring term, and an abridgement of the required withdrawal. The decision of the Board is that the appeal should be dismissed.

The essence of the appeal was that illness and personal problems interfered with the appellant's ability to perform and should be regarded as constituting extenuating circumstances. The appellant gave evidence of illness before the Christmas exams in her first year and a serious family problem in the fall term in which she failed with an average of 49%. In the Board's view, however, an appeal such as this requires more than a showing of circumstances which could have affected the student's

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performance. There must also be some basis for believing that the student would have done significantly better if circumstances had been more favourable. While the appellant testified that she thought she was capable of doing the work, in the Board's view her marginal record did not support her belief.

Thus the Board does not feel that the Ombudsman Committee was in error in its decision nor does it feel that alternative relief is warranted.

Appeal dismissed.

2. Mr. E.

At its meeting on January 30th, 1979 the Academic Appeals Board heard the appeal of Mr. E. from a decision of the Appeals Committee of the School of Architecture upholding a decision of the Review Committee that he had failed the First Year Core Problem and that he would have to repeat the Core commencing in January 1979. The appellant requested that he be permitted to enter the second year. The decision of the Board is that the appeal be dismissed, but that the failing grade in the First Year Core be changed to an assessment of "incomplete" and that the appellant be permitted to complete the work by participating in the current First Year Core unless some more satisfactory arrangement can be made.

The evidence disclosed that the principal difficulty with the appellant's core project lay in the area of execution rather than conception. In particular, his drawing was considered to be inadequate. The appellant was aware from an early stage that his drawing presented problems. When his project was submitted for assessment at the end of the academic year it was assessed "incomplete". Such an assessment constitutes a determination that the project is lacking but that the student should be granted extra time to bring it to a passing standard. The appellant was so advised and resubmitted his project for assessment in August.

After the appellant had resubmitted his work the chain of events becomes somewhat confusing. The evidence presented by the School was that the project was still considered inadequate but that there was a division of opinion as to whether it should be failed or whether a more appropriate solution might be to grant the appellant a year-long "incomplete". In either case the appellant would be required to perform further work in order to complete successfully the First Year Core. In the event of a failure, of course, this work would involve the repetition of the Core. A meeting was held between the director of the School, Professor van Ginkel, Professor Prangnell and the appellant. According to Professor van Ginkel's memo to file, concerning the meeting (document No. 7)

The Appeals Committee agreed that he should not pass directly into 2nd year since he would have great difficulty in doing the work, but we are undecided as to whether he should be given a "F" and therefore required to repeat the core in the spring, or whether he should be given a year-long incomplete and instructed to take a drawing course or work in an office. This was explained to Mr. E. giving him an opportunity as to his preference. He should report by August 29th.

The explanation was not, Professor van Ginkel stated at the hearing, as clear as it might have been. The appellant thought he was being asked, because he had not "clearly passed", to agree to take a year off, work in an architectural office to improve his technical proficiency, and return to Year II. He did, however, also get the impression that he would be

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expected to show evidence of his improved technical proficiency and that the alternative if he did not agree to take the year off would be failure. He was pessimistic about his ability, in the circumstances to get such a job.

The appellant did not go back to speak to Professor van Ginkel but instead launched an appeal. After the appeal had been launched a final decision to register a failure in the First Year Core was made. In a memorandum to the Director, Professor Prangnell wrote (document No. 10) "My view is that, having declined both options, we have to make a decision for him ... My view is that he should now be failed".

The Board accepts the School's conclusion that the appellant is not yet ready for second year work (or at least has not yet demonstrated such readiness). The Board also sympathizes with the appellant's concern about his prospects of obtaining a satisfactory job in accordance with the School's proposal in the event that he agreed to take a year off. While it would have been preferable for the appellant to meet with the Director and Professor Prangnell as requested, to raise these concerns, and to seek clarification of the situation, the Board does not feel that the decision to fail him should turn on his decision to ignore the School's proposal and launch an appeal. Thus the Board feels that the assessment of year-long "incomplete" should still be open to the appellant and, indeed, should be recorded in lieu of a failure.

However, the Board also feels that in view of the time consumed by the appeal proceedings and the difficulty that the appellant may therefore face in satisfying the requirements that an assessment of "incomplete" imposes, the resources of the School should be available for this purpose. The Board therefore feels that the appellant should be permitted to meet any such requirements either by participating in the workshop and other sessions of the current First Year Core or in such other appropriate way as can be arranged.

Secretary
February 20th, 1979

Chairman

