

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 61 OF THE ACADEMIC APPEALS BOARD

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a meeting on Tuesday, October 28th, 1980, at 2:00 p.m. in the Council Chamber, Galbraith Building, at which the following were present:

Professor J.B. Dunlop (In the Chair)
Ms. Beverley A. Batten
Professor W.E. Grasham
Mrs. Frances Jones
Professor Kenneth G. McNeill

Dean John C. Ricker
Mr. Thomas H. Simpson
Professor Victor G. Smith
Miss M. Salter, Secretary

In Attendance:

Mr. *P.*
and counsel Mr. George Ruggiero,
Toronto Community Legal Assistance
Services

Professor J.D. King
Associate Dean (Academic)
Scarborough College

THE MEETING WAS HELD IN CLOSED SESSION

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

1. Mr. *P.*

At its meeting on October 28th, 1980 the Academic Appeals Board heard the appeal of *Mr. P.* against the decision of the Subcommittee on Academic Appeals of Scarborough College denying the appellant permission for late submission of a term paper in FAR B 45 S. The term paper was submitted on May 22nd so if the appeal should be granted the appellant will have fulfilled the requirements of the course and, apparently, will have qualified for a degree. The decision of the Board is that the appeal should be allowed.

The appellant's main contention before the Board was that illness just prior to and at the time of the deadline for submitting term papers made it impossible for him to complete the work on time. A certificate dated May 22nd, 1980 from a physician stated that since March 1st the appellant "has had disturbing abdominal symptoms and signs which have required investigation. A couple of weeks ago a defect was found in an x-ray that will require further investigation."

"On several occasions he has had such severe nausea and vomiting that he has been unable to carry on his normal work.

"I understand that he is completing his degree course. However he must continue to see the specialists and undertake day-long tests to discover the nature of his problem, without delay. I trust his study requirements can be adjusted to accommodate the investigation of his medical problem."

The appellant gave oral evidence that the initial diagnosis was that his problem was largely caused by stress. However when the condition did not clear up tests eventually disclosed that the appellant suffered from a kidney infection which was successfully treated.

The Subcommittee on Academic Appeals gave as its reason for denying the appeal "that insufficient evidence was presented to show that you were unable to complete and hand in the piece of work before the college deadline for submission of term work." While this Board would have preferred a certificate from the specialist who conducted the tests, it nevertheless felt that the appellant had established the existence of a genuine medical problem seriously interfering with his work over a substantial period of time before the relevant deadline.

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1. Mr. P. (Cont'd)

At the hearing it was suggested that there might have been other reasons for the refusal of the appeal by the Subcommittee but this Board can only accept as reasons those which have been set out in the formal reasons for decision of the Subcommittee. It might have been possible, of course, to present evidence and argument on points not contained in the Subcommittee's reasons before this Board, but it would have been necessary to give the appellant some notice of them.

The appeal is allowed.

Secretary
August 13th, 1981

Chairman