

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 62 OF THE ACADEMIC APPEALS BOARD

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held meetings on Thursday, March 19th, 1981, at 2:15 p.m. in the Dean's Conference Room, Medical Sciences Building and on Tuesday, April 28th, 1981, 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)
**Ms. Beverley A. Batten
*Mr. Paul W. Beame
*Professor J.T. Mayhall
**Professor Kenneth G. McNeill
**Dean John C. Ricker

Professor R.M.H. Shepherd
*Mr. Thomas H. Simpson
*Professor Victor G. Smith
**Ms. Christine M. Vercoe
Miss M. Salter, Secretary

In Attendance:

Mr. P.
and counsel
*Mr. Guy Farrel and
Mr. James Trottier
Phelan, O'Brien, Shannon & Lawer

Professor J.R. Webster
Associate Dean
Faculty of Arts and Science
and counsel
*Mrs. Katherine Feldman
Blake, Cassels & Graydon

*Professor L.J. Brooks
Department of Political Economy

Mr. W.D. Foulds
Assistant Dean and Secretary
Faculty of Arts and Science

Mrs. M. Cooper
Registrar
Erindale College

Professor M.H. Watkins
Department of Political Economy

*Professor Richard B. Day
Department of Political Economy

* Present at March 19th, 1981 meeting only
** Present at April 28th, 1981 meeting only

THE MEETINGS WERE HELD IN CLOSED SESSION

THE FOLLOWING ITEMS ARE REPORTED FOR INFORMATION

1. Mr. P. (No. 1)

At its meeting on March 19th, 1981 the Academic Appeals Board heard the appeal of Mr. P. against the decision of the Academic Appeals Board of the Faculty of Arts and Science dismissing his appeal against his failure in POL329Y in 1977-78. The decision of the Board is that the appeal should be dismissed.

The appellant failed because he received no credit for term papers which should have been completed by the last day of classes, April 10th, 1978. The appellant claimed that he had submitted the papers on time. The course was an Erindale College course, the instructor's principal office was at Erindale and directions had been given that the work was to be handed in at Erindale to the Departmental Secretary and a receipt obtained. The appellant, however, has stated that he was unaware of any instructions as to where work was to be submitted and that he had in fact submitted it to an office on the St. George Campus which the instructor shared with a colleague and which had been assigned to them for their convenience when they were downtown.

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The appellant told the Board that he had shoved the papers under the door after first knocking and getting no answer. He said that he did not recall whether he had made any effort to hand them in at the faculty office. There was evidence that when, in the summer of 1978, the appellant had made inquiries about his failing grade and was told he had received no mark for term work he told an associate registrar at Erindale that he had handed the papers in to a woman in the Political Science Office on the St. George Campus. However, when the associate registrar could find no one in the Political Science Office who had any knowledge of the papers the appellant then said that he could not remember how he had handed them in. He guessed he must have shoved them under the door.

The appellant petitioned in August of 1978 to have his mark reassessed and submitted rough work for the term papers which he said he had recently found and which he thought verified the claim that some credit for term work should be given. The petition was refused.

By the time the matter came before the Faculty's Appeal Board the colleague who shared the course instructor's office had found two papers in the office. This discovery was made in late September and the colleague was absolutely sure that had they been there prior to August 15th he could not have missed them because he had been using the office on a daily basis prior to that date.

On the appeal to the Faculty's Board and to this Board, the appellant sought to have the papers themselves graded or, in the alternative, to have the course removed from his transcript.

While the Board does not take the view that failure to comply strictly with instructions as to how papers should be handed in is fatal to the student's right to have the papers graded, it does take the view that the onus is on the student to establish that he has submitted the work on time. On all the evidence, the Board could not reach the conclusion that this had been done by the appellant.

Appeal dismissed.

2. Mr. P. (No. 2)

At a meeting on April 28th, 1981 the Academic Appeals Board heard the appeal of Mr. P. from a decision of the Academic Appeals Board of the Faculty of Arts and Science dismissing his appeal against his failure in ECO221Y in 1976-77. The decision of the Board is that the appeal should be dismissed.

The appellant had failed to submit term work by the last day of classes, April 7th, 1977. He stated that he had completed the work very shortly after the deadline but that medical problems had prevented him from submitting it at that time. He said that he had gone to see the course instructor some time after May 2nd and that the instructor had said he could not mark the papers and that the appellant had better petition. The instructor testified that he would have accepted the papers if they had been merely a few days late, that he could not remember the discussion with the appellant but that he would have told him not only about the need to petition but about the deadline for petitions. In any event, the deadline is printed in the calendar.

On May 13th the appellant petitioned for an extension of time for submission of the work. However, the deadline for submitting a petition is the last day of the examination period which, in 1977, was May 6th. Of course, had the medical problems made it impossible for the appellant to meet the May 6th deadline an extension of time for petitioning could have been granted as well. The appellant gave evidence that a combination of ulcerative colitis and conjunctivitis not only prevented him from submitting the work but also from submitting the petition.

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2. Mr. P. (No. 2) (Cont'd)

The onus is on the student to establish grounds for failing to hand in work on time and for failing to meet the petition deadline.

Without wishing to minimize the distress and difficulty created by the appellant's combination of medical problems the Board was not persuaded on the evidence that these ailments sufficiently incapacitated the appellant so as to justify, throughout the whole period April 7th to May 6th his failure to make an early effort to submit the work or have it submitted for him, or to make any effort to submit a petition or, by means of telephone, to explain to the faculty office that he intended to do so when he was able.

Appeal dismissed.

Secretary
August 14th, 1981

Chairman

