

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 64 OF THE ACADEMIC APPEALS BOARD

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a meeting on Wednesday, May 27th, 1981, at 2:30 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
Professor W.E. Grasham
Professor J.T. Mayhall

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

In Attendance:

Mr. R.
and counsel, Mr. Pat Kirwin,
Toronto Community Legal Assistance
Services

Mrs. M. Cooper
Registrar
Erindale College

Professor J.R. Webster
Associate Dean
Faculty of Arts and Science

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

THE MEETING WAS HELD IN CLOSED SESSION

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

1. Mr. R.

At a meeting on May 27th, 1981 the Academic Appeals Board heard the appeal of Mr. R. from a decision of the Academic Appeals Board of the Faculty of Arts and Science dismissing his request to have a three year suspension withdrawn. The decision of this Board is that the appeal should be allowed to the extent that the suspension should be reduced to one year. Thus the appellant should be free to enrol in the summer session of 1981 or the winter session of 1981-82. He should, however, be on academic probation and, if he should again become liable for suspension it would be appropriate to refuse him further registration.

The Board should make clear that it does not disagree with the reasoning of the Faculty's Board and, indeed, would likely have reached the same conclusion on the evidence the Faculty Board had before it. However, because this Board is bound by the Statutory Powers Procedure Act to receive whatever relevant evidence the parties wish to present, including evidence which may not have been presented to the hearing before a faculty appeal body, it sometimes sees a case in a rather different light. This may not seem altogether satisfactory from the faculty body's point of view but on occasion it is inevitable. Fortunately it does not happen frequently and hence does not undermine the authority of the faculty appeal body. Nevertheless, this is such a case.

The appellant's records since his initial enrolment in the University in 1976-77 can only be described as dismal. It was his contention that family problems were largely to blame. Indeed, he was granted relief from an earlier suspension by the Committee on Standing on this basis. However, subsequent poor results which the appellant says were attributable to the death of his father in 1979-80 led to the suspension now under appeal. The Faculty Board expressed its view of the matter as follows:

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1. Mr. R. (Cont'd)

While the Appeals Board sympathizes with the problems you have had since 1976, the fact remains that you have managed to pass only two courses out of the twelve you have attempted since first enrolling at this university, and in one of those you received the lowest possible passing mark. This hardly constitutes evidence of academic promise, and although you are confident that you are capable of achieving satisfactory grades if you are allowed to continue your studies at the present time, the Board, in reviewing your record and in deliberating all your testimony at the hearing, sees little reason to share your confidence.

The significant item of evidence received by this Board that was not before the Faculty's Board was a letter dated March 17th, 1981 from a psychiatrist who had been treating the appellant for a year and a half. This letter represented a rather detailed explanation of the appellant's difficulties arising out of his relationship with his father and a strong prediction that the appellant, having got matters sorted out, would succeed in the future. A letter from the same psychiatrist had been submitted to the Faculty Board but it was a rather cursory document and hence not persuasive.

Because the Board feels that the purpose of the suspension has been served it is the Board's view that as of the date of the hearing in this matter the suspension should be lifted subject to the conditions already described.

Appeal allowed.

Secretary
August 17th, 1981

Chairman