

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 68 OF THE ACADEMIC APPEALS BOARD

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a meeting on Wednesday, July 22nd, 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)
Mr. Robert J. Aiello
Professor Margaret C. Cahoon
Professor J.T. Mayhall

Mrs. Joan R. Randall
Professor Victor G. Smith
Ms. Christine M. Vercoe
Miss M. Salter, Secretary

In Attendance:

Ms. *M.*
and counsel, Mr. D. Kevin Haxell,
Haxell & Snelgrove

Professor A.M. Wall
Department of Psychology

THE MEETING WAS HELD IN CLOSED SESSION

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

1. Ms. *M.*

At its meeting on July 22nd, 1981 the Academic Appeals Board heard the appeal of *Ms. M.* which was framed as an appeal against the decision of the Admissions Committee of the Faculty of Arts and Science refusing her application for admission to the first year. The Board does not hear admissions appeals as its jurisdiction is confined to students in University of Toronto programmes. The Board was nevertheless able to hear the appellant's case since she was essentially objecting to the assessment which had been made of her performance in the Transitional Year Programme and arguing that she should have achieved a record that would have entitled her to be recommended for and admitted to the first year of Arts and Science. Seen in this light the appeal was not one against an admissions decision but rather related to a decision affecting a student in a university programme. The Board would not assume jurisdiction to order a student admitted to the University but could rule that her performance should have been assessed differently with whatever consequence that might have. However, the Board's decision is that the appeal should be dismissed.

The essence of the appellant's case was that she had the potential to do university work and that her assessment failed, due to errors and shortcomings in the TYP, to reflect that potential.

The appellant asserted that her final average was incorrectly computed, and as it related to the transcript sent to her on May 22nd, 1981 this assertion was correct. Her marks were English Composition - English Literature - 55; Science and Human Behaviour - 47; Sociology 101Y - 53. Her overall average was 58.75. Subsequently it turned out that her final mark in English Composition should have been 84, with the result that her overall average was 59.75. Evidence at the hearing, however, established that the correct grades were submitted to the Admissions Committee and also established that the admission standard the appellant would have had to meet was an overall average of 64% with 60% in her one arts and science subject, Sociology 101Y. Thus the error had no effect on the appellant's admissibility.

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The appellant argued that in the calculation of her overall average equal weight was given to the marks she received at Christmas and at the end of the year whereas she had been led to believe that greater weight would be attached to the later results. The relevant passage in the 1980-81 Handbook (page 6-7) states "though we continually assess your motivation and participation throughout the session, we only assess the quality of your academic performance for purposes of university entrance at the end of the session ... we are concerned about the overall trend of your performance and particularly the level of performance you achieve at the end of the session". The evidence disclosed that the appellant's performance deteriorated over the course of the year and that the assessment at the end was that she was not able to proceed with first year university work. It was the view of the TYP staff that the appellant possessed considerable potential but that personal and emotional problems prevented her from realizing this potential and would continue to do so if she proceeded with university work.

Counsel for the appellant argued that the staff ought not to make "quasi-medical" assessments in connection with what is essentially an academic decision. The programme co-ordinator's observation was that her problem was not lack of intelligence but "non-academic difficulties which took up much of your energy in concentration this year and interfered with your ability to pursue academic work in a systematic and disciplined fashion". He recommended "that you not pursue full-time academic studies until you can, perhaps with some help, come to be able to deal with your personal difficulties — difficulties which have distracted you from effective and productive academic work this year and which I have no basis for assuming would spontaneously disappear in the future". But admissions decisions are made on the basis of performance and even if the programme co-ordinator had had no opinion about the reasons for the appellant's failure to achieve the required level of performance her admissions decision would have been the same.

The appellant's opinion was that the TYP failed to provide the academic environment which one can reasonably expect to find at an institution of higher education. "Classes, tutorials, quizzes and exams were conducted in a manner that prevented me from achieving the marks that would have been a true reflection of my potential". There is an implication of gross inadequacy in this statement, but the evidence suggested that the appellant had a highly particular view of what constituted an appropriate academic environment and was not prepared to make efforts to adapt to an approach or a system that did not live up to her preconceptions. She voiced condemnation of the programme within two weeks of its commencement and missed a great many sessions including quizzes, because of her disapproval. In the Board's view the appellant's failure cannot be blamed on shortcomings in the Transitional Year Programme.

Counsel for the appellant presented the best possible case on her behalf. Unfortunately, the grounds were not there. As one witness put it, the appellant is a person of very considerable potential who does not seem able to realize it. If this opinion be accurate one would hope that she may be able to overcome the difficulties that inhibit realization of her potential and have another opportunity at some future time.

Appeal dismissed.

Secretary
August 18th, 1981

Chairman