

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 88 OF THE ACADEMIC APPEALS BOARD

May 2nd, 1985

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a hearing on Thursday, May 2nd, 1985 at 2:00 p.m. in the Board Room, Simcoe Hall at which the following were present:

Professor J. B. Dunlop (In the Chair)	Mr. Kevyn Nightingale
Professor William J. Callahan	Mrs. Joan R. Randall
Professor J. T. Mayhall	
Professor R. Manzer	Ms. Dominique Petersen

In Attendance:

Mr. <i>F.</i>	Associate Dean P. M. Wright,
Mr. Robert Shackelton	for the Faculty

THE MEETING WAS HELD IN CLOSED SESSION

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

At a meeting on May 2nd, 1985, the Academic Appeals Board heard the appeal of *Mr. F.* from a decision of the Ombudsman Committee of the Faculty of Applied Science and Engineering dismissing his appeal against the denial of his application to transfer to Mechanical Engineering. The decision of the Board is that the appeal should be dismissed.

The appellant entered the course in Engineering Science in the fall of 1982. At the end of his second term he was required to withdraw from the course and was placed on probation in the Faculty because his average on the term was 54%. He would have required an average of 66% to be allowed to continue in Engineering Science and an average of 55% to continue in the Faculty with a clear record. At this stage he was required to choose another programme in the Faculty. If he had had an average of 60% he would have been allowed into the programme of his choice, Mechanical Engineering, but in the event he was placed in his programme of third choice - Chemical Engineering. There were not enough places in Mechanical Engineering to accommodate all those who selected it.

At the end of one term in Chemical Engineering the appellant achieved an average of 58%. As a result he failed but was allowed to re-enroll in the term in which probation was first acquired, on second probation. Thus in the spring of 1984 the appellant repeated the second term of the first year although, of course, it was somewhat different because the first time around the appellant had been in Engineering Science. He achieved an average of 74.7% which entitled him to proceed again to the second year in Chemical Engineering, although still on probation.

It was at this juncture that the appellant applied to transfer to Mechanical Engineering because he was anxious eventually to enter Aerospace Engineering and, next to Engineering Science, Mechanical Engineering was the most likely route to this goal. Unfortunately for him, because of the limited number of places in the Mechanical programme he was not accepted. Initially, the Advanced Standing Committee that considered transfer applications accepted a number of students including one student who had a lower second term average than the appellant. However, the difference was only .5%, the student was not repeating the second term, and his or her first term average had been 73.3%. He or she had never been on probation. Subsequently five more students were allowed to transfer into Mechanical Engineering with second term averages ranging from 74.1% to 71.9%. Again, however, these were students whose records were clear. They were not repeating the term. Their first term averages were all over 70%, in two cases over 80%. They were judged to be, on their overall records, more deserving than the appellant. It was published policy to give preference to students with clear records. It is perhaps worth noting that a student with an average of 79.8% in the same term and an average of 80.5% in the preceding term, but who was on probation was also refused a transfer to Mechanical Engineering.

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The appellant's contention, in essence, was that he had been unfairly treated. He had been told, according to his evidence, that if he got 75% in his repeated term and petitioned he would likely get into Mechanical Engineering. Later, according to his evidence, someone told him that he would have needed 85%. Since this would have been one of the top three or four grades in the class he thought it was an unreasonable requirement.

Dean Wright could not remember the precise conversation he had had with the appellant but thought it unlikely he would have promised any particular outcome based on a grade of 75% and a petition. In any event, whatever was said could have amounted to nothing more than a prediction, because, as was plain on the face of it, a petition involved a committee decision and Dean Wright could not have made a promise on behalf of a committee. As to the statement that he would have needed 85%, it was not clear to the Board that that was anything other than a guess. It is true, as the appellant pointed out, that the Faculty calendar is not explicit about special requirements to be met by students on probation or repeating a term in order to be considered for admission to Mechanical Engineering. Where a limited number of spaces is being allocated to a varying number of applicants from year to year on the basis of their respective merits it is difficult to be explicit. Nevertheless, in the Board's view, it would be useful if the Faculty could give consideration to publishing more detailed guidelines than now seem to be available even if they must necessarily remain imprecise in some respects.

As far as the appellant's case is concerned, however, the Board was not convinced that there was any error in principle on the part of the Advanced Standing Committee in judging other candidates to be more worthy of the limited number of places in Mechanical Engineering.

Appeal dismissed.

Secretary
May 31st, 1985

Chairman