

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 90 OF THE ACADEMIC APPEALS BOARD

June 26th, 1985

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a hearing on Wednesday, June 26th, 1985 at 2:00 p.m. in Room 23, Simcoe Hall at which the following were present:

Professor R. Sharpe (In the Chair)	Mrs. J. Nagy
Professor R. Manzer	Mrs. Joan R. Randall
Professor J. T. Mayhall	
Professor K. G. McNeill	Ms. Irene Macpherson

In Attendance:

Ms. *M.* the Appellant
Ms. Leigh Taylor, Downtown Legal Services
Mr. David Neelands, Faculty of Arts and Science

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

At a meeting on June 26th, 1985, the Academic Appeals Board heard an appeal by *Ms M.* from a decision of the Academic Appeals Board of the Faculty of Arts and Science dismissing her appeal from a decision of the Faculty's Committee on Standing which had refused the appellant's petition of May 22nd, 1984 to be allowed to graduate with a three-year B.Sc. degree.

The appellant's history at the University of Toronto is lengthy. Her situation is complicated not only because she has changed programmes, but also because the regulations governing those programmes have changed during her time at the University.

The appellant first enrolled in 1965 in the general course in science. She failed her first year, re-enrolled in 1967-68 but withdrew part way through the year. In October 1968, she was admitted to the general arts programme and she obtained a Bachelor of Arts, three-year degree in June 1971. She then transferred to the four-year programme and obtained a four-year Bachelor of Arts degree in 1972.

In the academic year 1972-73, the appellant applied for admission to the B.Sc. programme and requested that she be given credit or granted exemptions on account of courses previously taken. This request was complicated by the fact that although she had taken a number of courses in addition to those required for her earlier degree, until 1974, "extra" courses could not be counted for credit towards a degree. This system changed in 1974 when a "credit" system was introduced. However, as it was known in 1972 that the "credit" system had been approved and would be introduced in 1974, the Faculty decided to grant the appellant certain exemptions on account of these "extra" courses as well as exemptions on account of courses taken as part of the B.A. programme. In December 1972, the appellant petitioned to the Council of the Faculty of Arts and Science requesting clarification of the requirements she had to satisfy in order to obtain a B.Sc. degree. She asked whether she needed only to complete 5 science courses at the 200 or higher level. In answer to her petition, the appellant was told that she had to "obtain satisfactory standing in ten more courses...of which at least six must be science courses at a 200-or higher level." The appellant then appealed this decision, asking for additional exemptions. Her appeal was allowed because of "special circumstances." As a result, she was given three additional credits, the net result being that she had to obtain satisfactory standing in six 200-or higher science courses to obtain the B.Sc. degree.

REPORT NUMBER 90 OF THE ACADEMIC APPEALS BOARD - June 26th, 1985

At this point, it becomes important to note that since the appellant's entry into the B.Sc. programme, the regulations and requirements for the degree have changed. However, representing the Faculty, Mr. Neelands agreed before us that the appellant would be entitled to obtain her degree if she satisfied the requirements existing as of the date of her enrolment in the B.Sc. programme. Alternatively, she would be entitled to graduate had she fulfilled the requirements now existing for the B.Sc. degree. It is clear, however, that the appellant has not satisfied the present requirements in that her grade point average is insufficient. The issue is, therefore, whether or not she has fulfilled the requirements which existed in 1972-73, in light of her petition for advanced standing and her subsequent history.

The calendar for the Faculty of Arts and Science for the year 1972-73 defines the following requirements for a three-year B.Sc. degree:

A student shall be said to have completed a Third Year programme and shall be entitled to receive a Bachelor of Arts and Science degree when he has:

- (a) obtained standing in fifteen courses, at least eight of which must be 200- or higher-series courses;
- (b) a final mark of 60% or better in each of at least eight of the fifteen courses. Of these eight at least four must be 200- or higher-series courses;
- (c) for a Bachelor of Science degree, included in the eight or more required 200- or higher-series courses at least six courses offered by one or more of the following departments: Astronomy, Botany, Chemistry, Computer Science, Geography,* Geology, Mathematics, Physics, Psychology, Zoology or certain courses offered by other faculties.

As the appellant has obtained credit in sufficient courses, the task of the Board is to assess the correctness of the Faculty's interpretation to her case of the requirement that she obtain "a final mark of 60% or better in at least eight of her other fifteen courses." It is obvious that this requirement cannot be read literally, as the appellant was told that she had only to complete six courses to complete the degree requirements. It was agreed before us that the appellant had, in fact, obtained 60% or better in five and one-half credits, and that she has passed a total of seven science courses.

On behalf of the appellant, Ms. Taylor argued that the 60% requirement had to be read in light of the appellant's petition and the credit she was given for her previous courses. Ms. Taylor contended that as the appellant had only to complete six courses, it would be unfair to require her to obtain a 60% standing in every course she took, whereas a student without advance standing would only have to obtain 60% or better in eight of fifteen courses. Alternatively, Ms. Taylor contended that the grades obtained in courses accepted by the Faculty as credits towards the second degree should be counted rather than simply treated as exemptions. Either approach would permit the appellant to satisfy the requirement of 60% in the requisite number of courses.

Mr. Neelands argued that the Faculty's answer to the appellant's petition in 1972 and 1973 could not be seen as constituting an entire contract or complete statement of the degree requirements. It was, he contended, merely one document which had to be read in light of all of the Faculty's other requirements. Because the appellant was given generous treatment for courses previously taken, he contended that the Faculty's interpretation of the overall situation requiring her to obtain six science credits at a grade of 60% or better was a reasonable one. To require a 60%

REPORT NUMBER 90 OF THE ACADEMIC APPEALS BOARD - June 26th, 1985

grade in only 8/15ths of the courses taken, here 3.2 courses, Mr. Neelands argued, would be an unreasonably generous reading of the Faculty's requirements for the B.Sc. degree in light of the exemptions.

Mr. Neelands also resisted argument that other courses for which advanced standing had been given should be counted towards satisfaction of the 60% requirement. Mr. Neelands pointed out that it had always been the Faculty's policy to consider transfer credits only as exemptions from degree requirements, and that marks for such courses were never brought forward and counted for the subsequent degree.

In the Board's opinion, this appeal must be dismissed with a qualification specified below. In our view, the interpretation given by Faculty's Academic Appeals Board, as elaborated by Mr. Neelands, to the 1972 and 1973 petitions, read in light of the requirements then existing for the degree and the Appellant's subsequent history, is entirely defensible. While we do not consider the reasons given in the 1972 and 1973 petitions to be a model of clarity, it is clear that the appellant was given substantial credit for work previously done, and we can see no basis for interfering with the decision of the Faculty to require her to obtain an average of 60% or better in the six courses she was required to complete.

The qualification is as follows. On behalf of the appellant, Ms. Taylor submitted that should the Board dismiss the appeal, it should ask the Faculty to provide the appellant with a clear statement of the exact requirements she needs to fulfil. In our view, this would be entirely appropriate. During the course of the argument before us, several disputed points were clarified and apparently resolved, and the precise nature of the issue became clearer, thanks entirely to the very careful and well-prepared submissions made by both Ms. Taylor and Mr. Neelands. It is our understanding that the Faculty's position is now that Ms. M. has obtained satisfactory credits in 5 1/2 courses, and that to complete the requirements for the degree, she needs a mark of 60% or better in a science course at the 200 or higher level carrying a one-half credit. In our view, the appellant is entitled to have her position formally clarified and we therefore ask the Faculty to provide her with a clear statement of her position. To facilitate this process, the Board considers these reasons and our decision to be of an interim nature, and we retain jurisdiction with respect to this matter. If the Faculty's position is not in accordance with the understanding expressed above, or if the parties cannot agree on what the appellant needs to do to get a degree, we invite the parties to come before us again so that this matter may be finally resolved.

The Board wishes to express its gratitude to Ms. Taylor for her thoughtful and careful presentation in both her written and oral submissions. The matter was complex and our understanding of it was greatly assisted by her efforts. We are also indebted to Mr. Neelands whose thorough presentation was greatly appreciated.

The appeal is dismissed

Secretary
August 19th, 1985

Chairman

