

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

REPORT NUMBER 153 OF THE ACADEMIC APPEALS COMMITTEE

July 27th, 1992

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Monday, July 27th, 1992 at 10:00 a.m. in the Flavelle Room, 78 Queen's Park Crescent, at which the following were present:

Professor C.C. Brodeur
Professor J. B. Dunlop, Chairman
Professor J. T. Mayhall
Mr. W. Robinson
Mr. A. Waugh

Ms L. Snowden, Secretary

In Attendance:

Dr. S., the appellant
Mr. D. Boulet, Downtown Legal Services, Counsel for the appellant
Professor L. Endrenyi, Associate Dean, School of Graduate Studies
Professor M. D. Silver, Chair, Department of Pathology
Mr. T. Pinos, Cassels, Brock & Blackwell, counsel for the School

On July 27th, 1992, the Academic Appeals Committee of the Governing Council heard the appeal of Dr. S., a Special Student in the Department of Pathology, School of Graduate Studies. She received a mark of "C-" in Pathology 1016. (She received an "A" and a "B" in her other two courses). In 1990, the appellant had applied for admission to the M.Sc. Programme in the Department of Pathology. She was denied admission to that Programme, but was admitted as a Special Student. In the spring of 1991 Dr. S. applied again to the M.Sc. Programme. Her application was denied.

Dr. S. appealed to the Applications and Memorials Committee of the School of Graduate Studies. On February 14th, 1992, the Applications and Memorials Committee decided that she should be allowed to have a supplemental assessment in Pathology 1016 or that she should be allowed to retake the course.

Dr. S. appealed that decision to this Committee. At the hearing and in his filed materials, counsel for Dr. S. asked that this Committee reverse the decision of the Departmental Admissions Committee and admit Dr. S. to the M.Sc. Programme. Council for the School of Graduate Studies, in his written and oral submissions argued that this Committee has no

Report Number 153 of the Academic Appeals Committee

jurisdiction over the decision of the Admissions Committee. The Academic Appeals Committee adjourned in order to consider its jurisdiction.

The Committee decided that we do not have the power to review the decision of the Admissions Committee. Our jurisdiction is limited to academic appeals by students. The guidelines for academic appeals within divisions state that:

an academic appeal is an appeal by a student (a) against a decision as to his or her success or failure in meeting an academic standard or other requirement or (b) as to the applicability to his or her case of any academic regulation.

In making an application for admission to any programme, an applicant is not yet a student in that programme. It makes no difference that Dr. S. was a Special Student in the Department immediately prior to the decision of the Admissions Committee in 1991. There is a distinction between students in the Programme and students applying to the Programme. We disagree with the argument that someone in the position of the appellant should have the right to appeal an admissions decision to this Committee while someone who has not been a student at this University should not have a right of appeal. In neither case are applicants to a faculty or programme in the same position as students. Counsel for the appellant argued that there is no other body to whom an appeal of an admissions committee decision may be made. That may or may not be correct. But even if it were, that fact could not give this Committee jurisdiction to hear appeals which it otherwise does not have.

We are then left to deal with the matter of the appeal from the grade in Pathology 1016. Counsel for Dr. S. agreed that the decision of the Applications and Memorials Committee of the School of Graduate Studies to allow the appellant a supplemental assessment or the ability to re-enroll in the course would be the correct resolution if the appellant's case were not an unusual one. There is evidence that the appellant was influenced by medical problems at the time. It was also argued that she was not offered a supplemental immediately after she was notified of her results in the spring of 1991, and that to offer her a supplemental almost one and one-half years after she completed the course involves insufficient relief. He asked that Dr. S.'s transcript be amended by this Committee by entering a mark of "B+" for Pathology 1016.

The Committee has concluded that the decision of the School of Graduate Studies Applications and Memorials Committee was correct. There is no evidence that the original mark of "C-" was incorrect. Her paper was reread at her request and the mark was confirmed. At the hearing a representative of the Department indicated that Dr. S., if she agreed to a supplemental assessment, would have to satisfactorily complete a paper. She would not be subject to an oral assessment. Therefore, the ruling of the Committee is that the appellant be given the opportunity, as early as possible, to either undertake a supplemental assessment by way of a paper or to retake the course.

Ms L. Snowden
Secretary

Professor J. B. Dunlop
Vice-Chairman

August 24th, 1992