

**UNIVERSITY OF TORONTO**  
**THE GOVERNING COUNCIL**

**REPORT NUMBER 164 OF THE ACADEMIC APPEALS COMMITTEE**

**October 9th, 1992**

To the Academic Board,  
University of Toronto.

Your Committee reports that it held a hearing on Friday, October 9th, 1992 at 1:00 p.m. in the Flavelle Room, Faculty of Law, 78 Queen's Park Crescent at which the following were present:

Professor J. B. Dunlop (Chairman)  
Professor C. C. Brodeur  
Mr. H. Heller  
Professor J. T. Mayhall  
Professor L. Northrup

Ms L. Snowden, Secretary

In attendance:

Mr. F.L., the appellant  
Mr. J. P. Hoffman, Gardiner, Roberts, counsel for the appellant  
Professor A. Eardley, Dean, School of Architecture and Landscape  
Architecture  
Mr. T. Pinos, Cassels, Brock and Blackwell, counsel for the School

This is an appeal to the Academic Appeals Committee of the Governing Council by Mr. F.L., a student in the School of Architecture and Landscape Architecture, against the School's decision that he failed in LAN 502S-Senior Design Project in the 1988-89 academic year. Due to health problems, the student did not present his work until August, 1989. He was advised during the Fall that he had failed the course and could not graduate.

The student appealed the grade to the School's Appeals Committee. That Committee denied his petition that his grade be raised to a passing one to allow him to graduate. However, the Committee ruled that his studio work in the course should be reassessed by independent assessors who are familiar with the academic programs and standards of the School, and of the design standards of the profession. His work was reviewed by two independent assessors and they reported to the Appeals Committee in January, 1991. As a result of this report, the Appeals Committee declined to raise the student's grade to a passing one. However, the Committee recommended that the grade be changed to "incomplete" status and that the student be given an opportunity to improve and upgrade the project. The independent assessors reviewed the student's work, but the student was not given the opportunity to orally present his work to them. Of course, the student had originally presented his project orally in August, 1989.

Professor Jerry Englar agreed to act as the student's tutor in order to help him meet the course requirements. In April, 1991, Professor Englar outlined in some detail the work which would be

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required to meet the requirements of the course. The student's position is that Professor Englar's outline meant that, in effect, he had to retake the course. The School's position is that the student must either carry out the work set out by Professor Englar or retake the course.

As a preliminary point, counsel for the School argued that the student was required to file an appeal to this Committee no later than 90 days after the decision from which the appeal is being taken. The last correspondence from Dean Eardley to Mr. F.L. was dated October 11th, 1991. The appeal to this Committee was filed on August 11th, 1992. At the hearing before this Committee, the Vice-Chair ruled that the appeal could proceed. We agreed that at some point appeals must be finalized. However, in this case, the School's Appeals Committee did not give Mr. F.L. the opportunity to be present and to make oral submissions. It proceeded only by way of written submissions from him. In addition, the School is not prejudiced in any way by the delay in filing the appeal. This Committee wishes to emphasize that the decision to allow the appeal to go ahead despite the long delay relates to the facts of this case only.

This Committee heard a great deal of evidence relating to the circumstances surrounding Mr. F.L.'s unsuccessful attempt to complete this course, and we are aware of the medical evidence concerning Mr. F.L.'s condition. It is clear that the School thought that it was acting in good faith in attempting to be helpful to Mr. F.L. so that he could graduate. In particular, this Committee is appreciative of the work which Professor Englar was prepared to undertake in order to help Mr. F.L.. However, this Committee has concluded that Mr. F.L. ought to have been given a chance to present this course work orally to the two independent assessors in January, 1991. We do not know if Mr. F.L.'s mark would have improved had he been given this chance. The Committee feels that he ought to be given the same chance to make a presentation as he would have if he were presenting the project for the first time. Therefore, the Committee rules that Mr. F.L. be allowed to amend his project as he sees fit and to present it to a group of at least two independent assessors selected by the Dean. The School's passing grade for this course is 60%. If the assessors conclude that Mr. F.L.'s work is worth at least 60% he shall pass the course. This Committee is confident that the School and the student will agree on an appropriate time for the presentation to be made.

The appeal is allowed.

Ms L. Snowden  
Secretary

Professor J. B. Dunlop  
Vice-Chairman

April 30th, 1993