

REPORT NUMBER 261 OF THE ACADEMIC APPEALS COMMITTEE

January 8, 2002

To the Academic Board,
University of Toronto

Your Committee reports that it held a hearing on Tuesday January 8, 2002, at which the following were present:

Assistant Dean Bonnie Goldberg, Acting Chairperson
Professor Brian Corman
Professor Gretchen Kerr
Professor Donna Wells
Ms Geeta Yadav

Mr. Paul Holmes, Judicial Affairs Officer, University of Toronto

In Attendance:

Ms Emily Morton, for the appellant, student caseworker, Downtown Legal Services

Ms J.L., the Appellant

Associate Dean Ian McDonald for the respondent, University of Toronto at Scarborough

The appellant is appealing the decision of the University of Toronto at Scarborough ("UTSC") Sub-committee on Academic Appeals dated October 11, 2001 not to defer the one-year suspension imposed on the appellant at the end of the 2001 Winter Session. The appellant requests that your committee overturn this decision and defer her suspension.

The appellant enrolled in an Honours Bachelor of Science at UTSC in September 1999. At the end of her first year, the appellant was placed on academic probation. The condition of the probation was that the student maintain a GPA at or above 1.60 in each academic session. The appellant failed to meet this threshold during the 2000 summer session, and was suspended for one year. The appellant petitioned on August 29, 2000 ("the first petition") for a deferral of the suspension. This petition was granted on September 6, 2000.

The appellant continued on academic probation in the 2000-2001 academic year, on the condition that if her standing fell below an annual or cumulative grade point of average of at least 1.60, the deferral would be terminated. The appellant did not obtain the minimum GPA and the one-year suspension was imposed at the end of the 2000-2001 session.

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On June 27, 2001, the appellant petitioned for a second deferral of her suspension. This petition was denied on June 28, 2001. The appellant appealed to the Sub-committee on Academic Appeals of UTSC. The appeal was denied on October 11. The appellant remains on suspension at the time Your Committee heard the appeal, with re-entry scheduled for either the summer or fall session in 2002.

The appellant's first petition was based on, and granted as a result of, the obstacles that the appellant faced growing up with a congenital condition that affected her physical appearance. The appellant suffers from Ectodermal Dysplasia, which caused her to suffer serious dental problems, and brittle and discolored hair. She was taunted and teased in her native China. She underwent dental surgery in Canada in 1997, which involved a long period without teeth, reconstructive jaw surgery and implants.

At the time of the first petition, the appellant believed that the extent of the psychological impact of her illness was severe shyness, and that this shyness resulted in her poor performance in first year. She was unable to be part of study groups, ask for help, or speak in class. Subsequently however, the appellant learned that her problems were more severe.

Although her academic performance improved in second year, she was not able to overcome the overwhelming panic that arose when she had to take an examination. In November 2001, the appellant was diagnosed with anxiety disorder. Until she was diagnosed with the anxiety disorder, the appellant was not aware of the severity of her problem, nor of its impact on examinations.

The Committee heard evidence regarding the attempts by the appellant to deal with the psychological and emotional effects of her illness, and about the programs and services UTSC offered the appellant to improve her ability to succeed in university. When the appellant was placed on academic probation in May 2000, she received a letter outlining services provided by the Advising and Career Centre, including the Health and Wellness Service, and the *AccessAbility* Services. In September 2000, she was sent further details of available services, including information about a "student success seminar series." When the first petition was granted, she also received a letter discussing applicable services.

In response to her academic difficulties, and the information contained in the letters, the appellant took the following steps. She met with the coordinator of *AccessAbility* Services in August 2000 to discuss issues of low self-esteem. She was referred to a social worker at the Health and Wellness Centre and invited to attend a learning skills seminar. She was also invited to contact the office again if she continued to experience difficulties.

Although the appellant returned to school in the fall of 2000, and continued to experience difficulties, she did not seek further help until her suspension. The appellant went to a psychiatrist at Psychiatric Services at the St George Campus on August 8th, and 15th, 2001. She was diagnosed with a high level of anxiety as a result of her long history of difficulties arising from her congenital condition. She returned to *AccessAbility* Services

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on October 16, 2001, after the denial of her second petition. Based on her new diagnosis, *AccessAbility Services* recommended exam accommodations and a support group.

The appellant submits that having been unaware of the nature and extent of her problem meant she was not able to take steps to overcome her problems, nor could she have reasonably anticipated the impact of her anxiety disorder on her academic performance. She believed that the treatment she sought in August 2000 at the time of her first suspension was neither adequate nor sufficient, and as result, she chose not to pursue that line of assistance. Since the time of her appeal of the second petition, the appellant notes she has been diagnosed with an anxiety disorder, learned about the correlation between the disorder and her poor performance on exams, begun to receive treatment, and made arrangements for exam accommodations (although as a student under suspension, the appellant cannot make use of student services). For these reasons, the appellant contends that her suspension, of which she has already served eight months, should be deferred, and that she be allowed to enroll this month in the 2002 Winter Session.

The University argued to Your Committee that the assistance sought by the appellant in the summer of 2001 could have been provided in 2000-2001 had she followed through on her initial contacts. The University noted that the appellant was provided with ample information about available services, and that the University showed compassion to this student by allowing her first petition. The University brought to the Committee's attention that a second deferral of a suspension is virtually unprecedented. The purpose of lifting a suspension is to allow a student a second chance to prove their capability to succeed, when the circumstances that interfered with the student's performance have been or will be ameliorated. At the time of the second petition, the Sub-committee found that little had changed in the year since she was first suspended, concluding that it was "unrealistic and premature" for the appellant to return to classes for the Fall 2001 session. The University contends that even with the addition of new information, there are still no compelling circumstances to warrant the granting of such an extraordinary remedy. Further, there is no precedent for the University to shorten the obligatory one-year suspension because a student has sought help or dealt with a problem.

The Committee wishes to express its deepest sympathy for the unimaginable obstacles the appellant has struggled with as a result of her congenital condition. The appellant's commitment to obtaining her degree and her persistence in seeking to remain in the program is admirable. Your Committee is impressed by the attempts made by the appellant to work on her low self-esteem and shyness, to work with a psychiatrist to address her anxiety disorder, and to seek accommodations for her examinations.

Your committee believes, however, that the appellant requires additional time and assistance to fully realize her potential in a rigorous university setting. While we have more information than the Sub-committee had at the time it determined that "little had changed", we note that this is because the appellant did exactly what is expected of a student on suspension. She sought help. However, the appellant has not progressed in her treatment since she cannot access services as a suspended student, and moreover, she testified that she is reluctant to seek help from an external source. The appellant is

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encouraged to use this time to continue to seek help and to ask her family doctor, her psychiatrist, or UTSC Health and Wellness for a referral to a private psychiatric service. Your Committee is also concerned that if the appellant returned to school now, she would have missed most of her introductory lectures, and could feel further alienated. We note that the appellant has the ability to do well in University, as evidenced by her performance in some of her courses. We encourage her to think carefully about her course selection and program before she returns to school.

Your Committee is of the view that these circumstances do not warrant the extraordinary remedy of a second deferral. UTSC demonstrated appropriate compassion to this appellant when they allowed the first petition and UTSC offered the appellant ample services to assist her. Your Committee would rather the appellant have the best opportunity to succeed in university, and a second deferral of a suspension would not be in her interest. The appellant can use this time to further prepare for her return to school. For these reasons we affirm the decision of the Sub-committee on Academic Appeals of the University of Toronto at Scarborough.

The appeal is dismissed.

January 15, 2002