

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 55 OF THE ACADEMIC APPEALS BOARD

December 4th, 1979

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a meeting on Tuesday, December 4th, 1979 at 4:00 p.m. in the Croft Chapter House, University College, at which the following were present:

Professor J.B. Dunlop (In the Chair)
Ms. Beverley A. Batten
Mrs. Frances Jones
Professor Marrijoy Kalner
Professor J.T. Mayhall

Dean John C. Ricker
Professor Victor G. Smith
Mr. Mark K. Wax
Miss M. Salter, Secretary

In Attendance:

Mr. K.
and counsel Mr. Gordon Sidjak

Mrs. Gudrun Curri
Registrar
Scarborough College

THE MEETING WAS HELD IN CLOSED SESSION

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

1. Mr. K.

At a meeting on December 4th, 1979 the Academic Appeals Board heard the appeal of Mr. K. against a decision of the Subcommittee on Academic Appeals of Scarborough College denying his request to have his one-year suspension deferred for a year. Notwithstanding the admirably concise and lucid presentation of the appellant's case by Mr. Gordon Sidjak, the Board reached the conclusion that the appeal should be dismissed.

There was no question about the propriety of the appellant's suspension of which he was notified, together with the result of his summer session course, in mid-September 1979 after he had already registered for the winter session. Two grounds for relief were, however, put forward. The first was that the appellant had been ill prior to the examination in his summer course (MAT 234Y) and as a result his preparation had suffered. He had obtained a C- average on his term work but his examination result pulled his grade down to a D-. Apart from the fact that the appellant did not comply with the rule requiring petitions based on medical reasons to be filed by the end of the relevant examination period, it appeared to the Board that even had the appellant obtained a C- grade on the course he would nevertheless have been suspended. Indeed, a grade of B would have been necessary to avoid that possibility. Consequently the Board sees no basis for granting relief on this ground.

The second argument was that the appellant, not having been notified of the suspension until after the academic year had begun, and not having been warned that this could occur, was lulled into a false sense of security and prevented from making alternate academic plans. The appellant did receive, however, a document containing registration information for the 1979-80 winter session with his statement of grades at the end of the 1978-79 winter session. It contained the following statement:

As the results of 1979 Summer Session courses will not be available until September, we may not be able to check your eligibility to register before Registration Week. If it becomes apparent that you are not eligible to register (i.e. if you are suspended or refused further registration), you will be withdrawn from the 1979/80 Winter Session.

REPORT NUMBER 55 OF THE ACADEMIC APPEALS BOARD - December 4th, 1979

1. Mr. K: (Cont'd)

Thus whether or not the appellant in fact knew of this possibility he ought to have known. In any event the Board was not persuaded that other academic arrangements were foreclosed because of the lateness of the notice. No evidence was offered of any inquiries made by the appellant and the Board would incline to the view that any impediment would be more likely related to the appellant's record than to timing.

It was pointed out to the Board that the suspension creates particular difficulty for the appellant because he is a visa student. It is the Board's view, however, that the same rules apply to all students and that there is no discretion to grant relief solely on this basis.

Appeal dismissed.

Secretary
December 13th, 1979

Chairman