

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 181 OF THE ACADEMIC APPEALS COMMITTEE

August 17th, 1994

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Wednesday, August 17th, 1994 at 11:00 a.m. in the Flavelle Room, Faculty of Law, 78 Queen's Park Crescent at which the following were present:

Ms Joan Fax, Acting Chairman
Professor Barry Brown
Ms Patti Cross
Professor John Mayhall
Professor Eric Mendelsohn

In attendance:

Mr. R.C., the appellant
Ms Dianne Corbiere, Downtown Legal Services, counsel for the appellant
Mr. David Perry, Registrar, on behalf of Scarborough College

Mr. R.C. was a student at the University of Waterloo from September, 1986 to April, 1987 but was required by the University to withdraw from his programme due to poor academic performance. He applied to transfer to Scarborough College and requested special consideration based on medical problems. He was admitted on condition that he achieves a cumulative GPA of at least 1.7 (a C- average) at the end of the session in which he completed his second full course. The terms of his admission specified that if he failed to achieve a 1.7 average, he would be suspended for one year and upon return, would be placed on academic probation.

At the end of Mr. R.C.'s first year (1987) winter session, he had failed to achieve a 1.7 GPA. This resulted in a one-year suspension. Following the period of suspension, he returned to Scarborough College and registered in two summer session courses in 1989 achieving a sessional GPA of 0.7 and a cumulative GPA of 1.47. He was suspended for three years. Upon the conclusion of this suspension he again returned to Scarborough College and registered in the 1992 winter session. His poor academic performance that year resulted in a refusal of further registration at the College. At the time of this refusal, his cumulative GPA was 1.6 and his sessional GPA was 1.54.

Mr. R.C. asks that he be given permission to withdraw late from CSCC50F. The deadline for withdrawing from this course was November 6, 1992. His petition to withdraw late was submitted some 10 months later on September 17, 1993. The Committee was asked to take into account several factors in support of Mr. R.C.'s appeal. First, his mind was preoccupied on the withdrawal date as he had on this date received his mark on the mid-term examination in the course and also had an examination to write on the same day. Second, his mother was ill. Third,

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his father was angry and upset with him and there were difficulties at home. The combination of these factors, it was submitted, distracted Mr. R.C. from taking steps to withdraw. The evidence clearly establishes that Mr. R.C. could have withdrawn until midnight on Friday, November 6, 1992 by using the Student Telephone System or by placing the withdrawal request in the after-hours depository in the Registrar's Office until 10:00 a.m. on the following Monday, November 9th. According to Mr. R.C.'s evidence, he first turned his mind to the withdrawal from this course on Monday November 9th by which time the deadline had passed. There was no explanation offered as to why it took Mr. R.C. another ten months to take further action.

The material which was before the Committee established that the health problems of Mr. R.C.'s mother began in 1986 at a time when he was studying at the University of Waterloo. There was no evidence to suggest that her condition had worsened or that any particular crisis had occurred that would have sufficiently distracted Mr. R.C. from his academic responsibilities in November 1992. Nor is there any evidence that his ongoing difficulties with his father were exacerbated in any significant way at this time. Mr. R.C. is an experienced user of the Student Telephone System and on previous occasions had used the system to drop courses, including at or around midnight. The Committee notes that by the withdrawal date, Mr. R.C. had received 40% of his grades in the course and knew, or ought to have known, that he needed to take some action before midnight on that day to forestall the academic consequences which would follow.

There is no evidence that Mr. R.C. was a stronger student before his mother's illness. Nor is there evidence that he sought any assistance to relieve the emotional strain that he claims contributed to his academic difficulties. While it is true that a timely withdrawal from this course would have raised his GPA sufficiently to result in an academic penalty of suspension rather than a refusal of registration, the Committee is unsympathetic to the circumstances in which Mr. R.C. finds himself. His academic performance has been consistently poor and he has failed to meet the minimal standards established by Scarborough College. During the 1993-94 Academic year, Mr. R.C. continued to attend classes at Scarborough College and took examinations in some of these courses. He will not receive academic credit for this effort. Although it is evident from this that Mr. R.C. clearly wishes to be successful in courses at a University level, his desire and perseverance cannot be the basis for allowing this appeal. Scarborough College has acted generously and fairly with Mr. R.C. Mr. R.C. did not withdraw from CSCC50F in a timely fashion and he must now accept responsibility for the academic consequences of this omission. For these reasons the appeal is denied.

Secretary

August 17th, 1994

Joan Lax
Acting Chairman