

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

REPORT NUMBER 247 OF THE ACADEMIC APPEALS COMMITTEE

May 23, 2000

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Tuesday, May 23, 2000, at which the following were present:

Professor Ralph Scane, Acting Chair
Professor Clare Beghtol
Professor John Mayhall
Mr. Kashif Pirzada
Professor Ronald Venter

Ms Susan Girard, Acting Secretary, Academic Appeals Committee

In Attendance:

Ms E. M., the Appellant (the Student)
Mr. Salim Hirji, Counsel for the Appellant

Professor Gordon J. Anderson, University of Toronto at Mississauga

Your Committee considered an appeal from a decision of the Academic Appeals Board of Erindale College, University of Toronto at Mississauga, dated December 8, 1999, which had dismissed an appeal from the Committee on Standing. The latter decision had refused to allow a further deferral of final examinations in the courses BIO215H5 and BIO310H5, taken during the Winter Term of 1998 - 1999. Due to subsequent events, by the time that the matter appeared before your Committee, the relief sought had changed to a request to permit late withdrawal without academic penalty from these courses.

The Student enrolled at Erindale College in the Winter Term of 1995 - 1996. Her major field was biology. As she entered the Winter Term of the 1998 - 1999 academic year, she had a cumulative GPA of 3.11. She had previously sought and been granted some relief in other courses in the way of a late withdrawal without academic penalty and some deferred examinations. She applied for and was granted a deferral in the two above-mentioned courses. However, she did not attend to write the deferred examinations, and did not communicate with anyone at Erindale College until the day after the deferred examinations were scheduled.

Subsequently, she petitioned for a further deferral of these examinations. This petition was denied, and an appeal from that denial was dismissed, as recited above. As a result, she received a mark of 0 on the examinations and grades of F in the two courses. While her appeal to this Committee was pending, the Student again enrolled in these courses in the 1999 - 2000 academic year, and has written the examinations in each. The Committee was not told of the results, which were unknown to the Student at the time of the hearing. For this reason, the Student requested that the remedy sought be changed to permission to withdraw from the above courses taken in the

1998 - 1999 academic year, without academic penalty. As a practical matter this would delete the present reference to the two failures from her official transcript and improve her cumulative GPA.

This Student is from a family whose culture expects that marriage of the children will be arranged by the parents. Near the end of 1994, the Student entered into a relationship with a man, not of her religion, and whose existence was unknown to the parents, with whom the Student was living, until the Fall of 1998. When her parents found out that she was not prepared to enter a marriage arranged by them, but was determined to select a partner of her own choice, acute friction developed in the home. It was under these circumstances that the Student applied for the original deferral of the two examinations. She had received counselling from a counsellor at Erindale College, and had been a patient of a psychiatrist from the Fall of 1998, in an attempt to cope with the stress of her situation. After being granted the deferral, the situation became critical, as the Student was given an ultimatum to chose between her parents and their home or her partner. She left home and went to New York to join her partner. This crisis increased the stress upon her. She feared that if she returned to Toronto, she might even be forced by her parents to return to her original country to be married. It was under these circumstances that she failed to sit the deferred examinations.

Your Committee had before it some evidence that was not before the Academic Appeals Board, namely a letter from the psychiatrist who had been treating the Student over a period of a year. The letter is unsatisfactory in its lack of a diagnosis or of a description of the relationship between the Student's condition and her failure to attend at the examinations. However, it at least indicates that the Student was suffering from some medical condition which the doctor was treating with anti-depressant drugs, and to that extent affords some corroboration of the Student's account of her state of mind. Having observed the Student giving her testimony, your Committee concluded that during the relevant period of time, she was indeed overwhelmed by events, and had had become mentally unable to cope with preparation for the examinations, or a return to Toronto to write them.

Your Committee notes that previous panels of the Committee have commented upon the potential for waste of time and resources if evidence which could have been made available to appeal tribunals at lower levels is not brought forth there, but left to be introduced at senior levels. This Committee again wishes to note that it has the power to refuse to admit such evidence on that ground. However, it recognises that, at earlier levels of appeal, students often have little guidance as to how to prepare an appeal. In this case, your Committee was prepared to admit the medical evidence.

The appeal is allowed. The Student will be permitted to withdraw from the courses BIO215H5 and BIO310H5, taken during the 1998 - 1999 academic year, without academic penalty.

Susan Girard
Acting Secretary

Professor Ralph Scane
Acting Chair

May 23, 2000