

**THE UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL**

Report # 346 of the Academic Appeals Committee
September 27, 2010

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Wednesday, August 25, 2010 at which the following members were present:

Mr. Tad Brown, Chair
Professor Ellen Hodnett
Professor Louise Lemieux-Charles
Dr. Chris Koenig-Woodyard
Mr. Jeff Peters

Secretary: Mr. Christopher Lang, Director, Appeals, Discipline and Faculty
Grievances

Appearances:

For the Student Appellant:

Ms. S.S. (the Student)

For the University of Toronto Scarborough (UTSC):

Professor Mark Schmuckler, Acting Vice-Dean, Undergraduate

I. The Appeal

The Student is appealing a decision of the Subcommittee on Academic Appeals (SAA) at the University of Toronto Scarborough dated November 18, 2009. The decision of the SAA dismissed an appeal by the student denying her deferral of the Registrar's decision to refuse her further registration at the University of Toronto Scarborough. The Student is appealing on medical and compassionate grounds. The Student is seeking a remedy that would allow her the opportunity for further registration at the University of Toronto Scarborough.

II. Facts

The Student first enrolled at the University of Toronto Scarborough in the 2008 Fall Session in Honours Bachelor of Science. The Student did not meet normal admission requirements and was admitted “on condition”. The Student’s offer of admission contained the following information:

“You are admitted ‘on condition’. If, at the end of the session in which you complete your third full credit equivalent at UTSC, you obtain a cumulative grade point average of 1.60 or better, the conditional status will be removed and you will be ‘in good standing’.

However, if you obtain a cumulative grade point average of less than 1.60, you will be refused further registration.

Review the Academic Regulations in the UTSC Calendar. This condition is significant. You are expected to seek advice to help you to meet the condition. Make an appointment with UTSC’s Academic Advising & Career Centre at 416-287-7561 or counseling@utsc.utoronto.ca prior to start of classes.”

The Student had completed 2.5 credits at the end of the 2008 Fall Session with a sessional and cumulative GPA of 1.28. The Student remained ‘on condition’ as per the terms of her admission. The Student enrolled in 2.5 credits for the 2009 Winter Session and completed the term with a sessional GPA of 1.14 and a cumulative GPA of 1.21. She was refused further registration.

On May 8, 2009, the Student petitioned to have the refusal of further registration deferred to be allowed to register for further course. In her application, the Student cited the challenges of having family members trapped in a war zone in her native Sri Lanka. The University of Toronto Scarborough granted the Student’s petition on compassionate grounds. In the decision granting the Petition, the Student was advised that:

“Another request of this type will not be considered again. YOU MAY CONTINUE WITH YOUR STUDIES FOR THE 2009 SUMMER SESSION. You remain on academic probation and are returning under extreme conditions and so are at risk of being REFUSED FURTHER REGISTRATION AT THE END OF THE 2009 SUMMER SESSION. Until such time as you raise your cumulative GPA to at least 1.6 and return to good standing, you will be required to achieve a sessional GPA of at least 1.6 in every session in which you register”.

In the decision granting the Petition, the Student was also strongly advised to meet with her academic advisor and to assess her progress carefully at regular intervals, especially before deadline dates for withdrawal from courses without academic penalty.

The Student enrolled in 1.5 credits for the 2009 Summer Session and at the end of the session her sessional and cumulative GPAs were 0.68 and 1.06 respectively. The Student

was refused registration for the second time. On September 14, 2009, the Student petitioned to defer the Registrar's decision to refuse her further registration on medical and compassionate grounds. This petition was denied.

III. Previous Decision

The Student appealed this decision to the Subcommittee on Academic Appeals (the "SAA") of the University of Toronto Scarborough on October 22, 2009. In a decision dated November 18, 2009, the SAA denied the Student's appeal to defer the Registrar's decision to refuse the Student further registration. The decision was based on the student's clear understanding of her academic situation and her acknowledgement of her opportunity to escape the situation by withdrawing from the courses and by deferring examinations.

IV. Decision

In support of her appeal, the Student has stated that a close family member died in Sri Lanka in early August 2009 which affected her ability to do well on her final exams. The Student was not able to provide documentation in support of this submission. The Student also submitted a Student Medical Certificate stating that she was suffering from diarrhea, fatigue and fever in the period of August 11 through August 14, 2009 and in which the doctor notes that "patient claims illness affected patient's concentration and energy". It is noted that the Student did not visit the doctor in order to get the Student Medical Certificate until September 11, 2009.

The Student acknowledged that the University of Toronto Scarborough had clearly and consistently communicated the requirement that she achieve the sessional requirement of a 1.60 GPA. The Student also acknowledged that she did meet with her academic advisor in the 2009 Summer Session who advised her to withdraw from her courses. However the Student chose not to follow that advice.

Your Committee does not find that there is sufficient evidence to support granting this appeal on a medical basis. The Student visited the doctor's office far too long after her illness in order to reasonably be able to rely on the Student Medical Certificate.

Your Committee also finds that the University of Toronto Scarborough was clear and consistent in all of its communications to the Student about the expectations of her and the consequences of failing to meet those requirements. Your Committee also notes that the University of Toronto Scarborough had already granted the Student's first petition for a deferral of the Registrar's decision to refuse her further registration at the University of Toronto Scarborough after the 2009 Winter Session on compassionate grounds based on her family situation in Sri Lanka. Your Committee also notes that the University of Toronto Scarborough in granting the first petition clearly indicated that it would not do so again.

While your Committee is truly sympathetic to the Student's family situation, the majority of your Committee is of the view that the circumstances of this case do not warrant a second deferral of refusal to allow further registration.

One member of your Committee dissents and would grant the appeal on compassionate grounds.

The appeal is dismissed.