

**THE UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL**

Report # 353 of the Academic Appeals Committee
December 17, 2010

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Friday, December 10, 2010, at which the following members were present:

Professor Markus Dubber, Chair
Professor Denise Belsham
Dr. Gerald Halbert
Mr. Jeff Peters
Professor Arthur Ripstein

Secretary: Ms Jasmin Olarte, Administrative Assistant, Office of Appeals,
Discipline and Faculty Grievances

Appearances:

For the Student Appellant:

the Student Appellant

For the University of Toronto at Mississauga (UTM):

Professor Gordon Anderson, Chair, UTM Academic Appeals Board

I. Appeal

The Student appeals a decision of the University of Toronto Mississauga Academic Appeals Board (AAB), dated September 29, 2010, rejecting his appeal for lifting a one-year suspension. He now seeks the remedy of early return from his suspension.

II. Facts

The Student enrolled at UTM in Fall 2007 and has been plagued by cardiac health problems, eventually requiring catheter ablation surgery on July 3, 2009. That surgery, which the Student reported, at various points, as having a 1% and a 3% failure rate,¹ proved unsuccessful. He experienced cardiac tachycardia episodes on January 22 and 29, 2010, and eventually underwent a second operation on March 26, 2010. He reports that his current health is "stable" and that the failure rate of a second operation is less than 1%.

In August 2009, the UTM Committee on Standing placed the Student on one-year suspension. On appeal, the UTM AAB lifted this suspension, and placed him on probation advising him to seek academic skills advising and, in view of his health concerns, to restrict himself to no more than three courses over the fall and winter sessions. He also was personally advised by the AAB Chair to withdraw from courses promptly when indications were that he was not progressing well.

After enrolling in three courses in Fall 2009, the Student increased his enrollment to five courses in Winter 2010. Rather than withdrawing from all or some of his courses during the Winter Term, either before the drop deadline or after the deadline for medical reasons, he soldiered on, behavior he attributed at the hearing to "overconfidence." He did poorly, and ended the Term with a Sessional GPA of 1.29, an Annual GPA of 1.38, and a Cumulative GPA of 0.99.

The Student set up an appointment with the Academic Skills Centre in July 2010. He did not keep this appointment; he has not scheduled another appointment since then. At the hearing, the Student explained that he had failed to seek the support of the Academic Skills Centre, as provided in the AAB's acceptance of his appeal from his first one-year suspension, because he felt that he did not lack the requisite skills to succeed at university, as evidenced by what he described as his status as a "top-student ... throughout my education over the past 13-14 years."

In June 2010, the Standing Committee once again placed him on one-year suspension. The Student again appealed that decision to the AAB. In September, the AAB rejected his appeal. From this decision, the Student appealed to the UofT Academic Appeals Committee.

III. Decision

Early return from a suspension is an extraordinary remedy that will not be appropriate unless the Student produces compelling evidence of a change in circumstances relevant to the purposes of the suspension in question, which require a reassessment of the likelihood of a recurrence of the poor performance that resulted in the suspension in the first place, or unless the underlying decision to impose the suspension was unreasonable.

Here, there is no suggestion that the Standing Committee's imposition of the suspension was unreasonable. The only question, therefore, is whether the Student has succeeded in producing compelling evidence of the requisite change in circumstances relevant to the purposes of the concededly reasonable suspension.

A majority of your Committee concludes that the Student has not met this heavy burden. In fact, the Student produced no evidence of a change of relevant circumstances. There is consensus among Committee members on this point; the difference of opinion among Committee members concerns the significance of this fact. In the majority's view, the

absence of change requires rejecting the appeal; in the dissenting member's view, it requires accepting it.

The Student still has not sought the support of the Academic Skills Centre and continues to believe that no such support is required, given his success as a student before entering UofT. Rather than making realistic and specific plans about his future course of study, he spoke of plans to enter law school as early as 2012, after raising his GPA to the "mid- to high-2 range," from the current 0.99, by maintaining a GPA of 3 in all his courses, starting in Winter 2011. He testified about regularly attending weekly undergraduate pre-law society meetings at Queen's University in Kingston and University of Western Ontario in London, and reported that he had taken the Law School Admission Test (LSAT), obtaining what he described, at various points, as "an excellent score," a 154, and a 157 (out of 180). In fact, a score of 157 would place the Student in the 72nd percentile; a preliminary review of publicly available admissions criteria suggests that, even if combined with a GPA in the "mid- to high-2 range," this score would be insufficient to make him a competitive candidate for admission in the General category at either Queen's or Western.

The Student also has provided no evidence of significant changes in either his medical condition or in his capacity to produce academic work of sufficient quality. His medical condition is not in doubt, nor has it changed since the Standing Committee's decision to impose the one-year suspension in June 2010, or since the AAB's rejection of his appeal from that decision three months later. The Student also has not enrolled in programs at other educational institutions during his suspension, performance at which might have been considered as evidence of a significant improvement in academic skills, skills that the Student feels do not require improvement given his previous academic achievements.

The purpose of a suspension is not to punish the student but to allow him or her to consider whether, and how, further university studies fit into his or her future life and career path and to develop the level of maturity required for a successful completion of his or her university studies, in the event he or she decides to resume them. There is no indication, much less compelling evidence, that these goals have been achieved at this time in this case, and there is therefore no reason for cutting short the Student's suspension.

One member of your Committee would have allowed the appeal on the ground that having the Student complete his suspension would serve no purpose because he would be no more likely to seek academic counseling during the remaining four months of his suspension than he was during the preceding eight months of the suspension already served.

Your Committee very much hopes that the Student will take advantage of the various support services available at UTM, both during the remaining four months of his suspension and upon his return, including the Office of the Registrar, the Academic Skills Centre, and the AccessAbility Resource Centre, to develop a sensible and feasible

curricular plan and to monitor adherence to that plan through the rest of his academic career at UTM.

The appeal is dismissed.