

**THE UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL**

Report # 362 of the Academic Appeals Committee
January 5, 2012

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Wednesday, December 14, 2011, at which the following members were present:

Emily Orchard, Chair
Professor Elizabeth Smyth
Mr. Chirag Variawa

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

Appearances:

For the Student Appellant:

The Student Appellant

For the University of Toronto at Mississauga (UTM):

Professor Kelly Hannah-Moffat, Vice-Dean, Undergraduate
Ms. Michelle Daley, Assistant Registrar, Academic Standards and Petitions

I. Appeal

The Student appeals a decision of the University of Toronto Mississauga Academic Appeals Board (hereinafter, the "AAB"), dated September 8, 2011, which dismissed an appeal from a decision of the Committee on Standing dated on July 13, 2011, which denied her request to lift a one-year suspension.

II. Facts

The Student first enrolled at UTM in Fall 2009 in the first year program in Humanities. The Student's academic performance was poor from the start of her academic career at UTM. By the end of the Fall 2009 term, she had completed 0.5 credits. During the Winter 2010 term, she

completed 2.0 additional credits, earning a sessional GPA of 0.39, an annual GPA of 0.53 and a cumulative GPA of 0.53. By the end of her first year, the Student had completed 2.5 of an attempted 4.5 credits and was placed on academic probation. The record reflects, and the Student confirmed, that on or about April 30, 2010, she attended a probationary interview at the Office of the Registrar, such a meeting being standard practice at UTM when a student is placed on academic probation. During this meeting, the Student was told about the importance of monitoring drop dates and deadlines. Your Committee also heard evidence that the Student met or spoke with a representative of the Office of the Registrar in early October 2009, as a result of her inadvertent dropping of a course. During this meeting/conversation, the Student was referred to UTM's Registration Guide and encouraged to have regard for term drop dates.

The Student also successfully petitioned to defer the writing of a final examination from Winter 2010 due to illness.

A. The Student's Upbringing

The Student was raised in a family home, which she shared with her parents, grandparents, and (until they reached University age) her siblings. The Student told the Committee that her parents ran a family business and were, therefore, often away from the home, returning on most days late in the evening. For much of her life, the Student was essentially raised by her grandparents. She told the Committee that they were her support mechanism and that she was deeply involved in their lives and care giving. The impact, therefore, of the decline in her grandparent's health (which will be discussed in greater detail below) was particularly upsetting to the Student.

B. Decline in Student's Grandparents' Health

In 2008, before the Student had registered at UTM, her grandfather was diagnosed with kidney failure and commenced regular kidney dialysis. The Committee heard that the Student often accompanied him to these treatments. In December 2009, mid-way through the Student's first year, her grandmother was diagnosed with multiple myeloma.

C. Second Year Studies

In Summer 2010, shortly before the Student commenced second year, her grandmother's condition deteriorated. The Student commenced second year and she reported to the Committee that she did so with the knowledge that she would "have to put 110% into school" because she was on academic probation. On November 13, 2010, mid-way through the Fall term, the Student's grandmother was admitted into the hospital and three days later, on or about November 16, 2010, the Student's family was encouraged to "pull the plug". The Student told the Committee that it was very difficult to watch her family and grandfather go through this experience.

Following her grandmother's death, the Student elected to take two weeks off school. She told the Committee that she had hoped to use this time to "discover a different sense of personality". Importantly, however, at no point did she speak to anyone at UTM about the options available to her academically, such as deferring her exams and/or taking a leave during second semester

though she was clearly aware of this option given she had previously availed herself of the deferral mechanisms the previous year. In Fall 2010, the student completed 1.0 credit, earning a sessional GPA of 1.20 and a cumulative GPA of 0.65.

On February 14, 2010, the Student's grandfather went to India in order to administrate a cultural component of her grandmother's death. Unfortunately, approximately one month into his visit, on or about March 17, 2010, he passed away from a brain hemorrhage. The Student described how she struggled with her grandfather's death and that the second loss sent her into an emotional tail spin.

Although the Student successfully applied to write (and wrote) a deferred exam from Fall 2010/Winter 2011 in the Spring of 2011, she did not complete any credits during the Winter 2011 term, finishing second year with a sessional GPA of 0.00, an annual GPA of 0.40 and a cumulative GPA of 0.48. She was placed on a one-year academic suspension at the end of the 2011 Winter term. Again, the Student failed to seek any academic counseling or guidance during second semester, though she admits both in her written submissions to the AAB and in her oral submissions before your Committee, that she was aware of her responsibility to monitor and comply with drop deadlines or "to drop these courses well in advance." During the hearing, the Student also admitted that she was aware of the academic supports available to her, but failed to take advantage of them.

D. The Student's Failure to Seek Help

In both her oral and written submissions, the Student painted a picture of her herself during second year as being socially isolated. She told the Committee that in January 2010, she stopped engaging with her studies and peers and spent more time at home than school because "she wasn't used to getting help from friends". She also described how despite her best efforts, she wasn't able to "handle her studies while struggling with her new reality". She felt, she said, as though her "whole life had crashed".

The Student did not seek any academic counseling or support of any other sort at any point during her first or second year of studies. She told the Committee that she was unaware of any of the psychological support services available to her on campus and was more comfortable keeping her grief and struggles private. Prior to their deaths, the Student had been accustomed to relying on her grandparents for emotional support and, in their absence, she struggled with on whom else to rely, "trying, instead, to handle everything alone."

Although your Committee sympathizes immensely with the grief the Student must have experienced at this time, we had trouble reconciling this image painted by the Student with the fact that throughout her second year, she was actively involved in extracurricular activities at UTM. From September 2010 to January 2011, for example, the Student served as President of the South Asian Alliance Club. This role involved organizing events in partnership with six other schools, and running cultural events throughout the year. In addition, between January and March 2011, the Student was helping with the election campaign of two of her friends; a role, which entailed, amongst other things, assisting with the organization of a culture show, including the handling of monies, meeting with sponsors, and more.

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.

The only issue before this Committee is whether the Student has produced compelling evidence of the requisite change in her circumstances.

In Report #330, this Committee considered the reasons behind the imposition of a suspension for poor academic performance, noting as follows:

The University sets minimum academic standards that apply to all students. Where a student fails to meet these minimum standards, he or she can be suspended or denied further registration at the University. Implicit in the imposition of a suspension is the expectation that the student will use the time to address the circumstances that may have led to his or her poor performance prior to re-enrolling at the University. Consistent with this underlying purpose, early return from suspension is an extraordinary remedy that is normally only granted in cases where there has been some substantive and well-documented change in the student's circumstances which indicates that his or her previous record of poor academic performance is not likely to recur.

In reaching its decision, the AAB rejected the Student's submission that her circumstances had changed sufficiently to justify early return. The AAB found that on the basis of the Student's overall academic record (which preceded the death of her grandparents), the Student had failed to present a compelling case for an exemption from the regulations that apply to all students. The AAB sympathized with the circumstances presented by the Student, but felt that she needed to serve the one-year suspension in order to ready herself both personally and academically for her continued studies at the University.

The Student only recently availed herself of the academic counseling available to her at UTM and to which the AAB directed her in its decision. It is noteworthy that her first counseling session did not take place until on or about the time she filed her Notice of Appeal to this Committee. Since then, she has met with the staff of the Academic Skills Centre a second time. During these meetings, she has discussed the courses she would like to take when she returns to her studies, has commenced putting together an action plan, and has sought out information about the academic support that she should be receiving. She has also started to examine her patterns of learning and work ethics. The Student has also sought emotional and psychological support from her family doctor and has recently been prescribed anti-anxiety medication. Finally, the Student has been working on strengthening her relationship with her parents and on learning how to seek help from others when necessary. We commend the Student for her efforts in this regard and encourage her to continue to avail herself of the academic support available to her at UTM and to the other forms of counseling and medical advice she requires. However, these efforts are all quite recent and do not demonstrate a change in circumstances that could justify early return from suspension.

As noted above and by the AAB in its decision, the Student's poor academic performance predated the deaths of her grandparents. It is also clear based on the totality of the evidence that the Student was aware of her duty to monitor drop dates and the options available to her to drop courses or seek to have certain exams deferred. She was also aware, as noted above, of the academic support services available to her. She was advised no later than the April 2010 during her probationary meeting to be mindful of course drop dates. Unfortunately, she did not consult with the Office of the Registrar and at point during her second year and opted not to pursue any of these options. The Student herself admitted that she "was not concentrating on anything" and "should have done it, but did not." It is clear that the death of her grandparents' was extremely traumatic to the Student and that she is only now shedding some of the resultant fragility. We believe strongly that the Student will benefit from having the opportunity during the remainder of the one-year suspension period to continue to her efforts in this regard to ready herself personally and academically for her continued studies and academic success at the University.

Again, your Committee is tremendously sympathetic to the hardship and grief the Student was experiencing in 2009/2010 while attempting to balance her academic studies with her commitment to her family and, eventually, her grief. However, based on the information presented by the Student in her original petition and the appeal, we find that the AAB appropriately applied its discretion in not granting early return from academic suspension. Your Committee is of the view that the AAB's decision was appropriate in the circumstances and unanimously denies the Student's appeal.

The Appeal is dismissed.