

**THE UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL**

Report #370 of the Academic Appeals Committee
March 27, 2014

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Tuesday, March 25, 2014 at which the following members were present:

Ms. Andrea Russell, Chair
Professor Elizabeth Cowper
Ms. Mainawati Rambali

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

Appearances:

Ms. V [REDACTED] M [REDACTED], the Student Appellant (“the Student”)

For the School of Graduate Studies (SGS):

Mr. Robert Centa, Lawyer for the Division
Ms. Jane Alderdice, Director, Quality Assessment and Governance
Professor Luc De Nil, Dean’s Designate
Professor Harry Elsholtz (LAMP)

Decision of the Panel

Procedural Background

On October 11, 2013, the Student filed a Notice of Appeal against a July 15, 2013 decision of the Graduate Academic Appeals Board (GAAB). The GAAB decision dismissed the Student’s appeal from the SGS decision to terminate her registration in the Ph.D. program in the Department of Laboratory Medicine and Pathobiology (LMP).

The Division’s Response was received on December 17, 2013, and the Student submitted a Reply on January 31, 2014. The Student indicated in her Appeal that she would like an expedited hearing.

In her Reply and in her large number of subsequent emails to the Office of Appeals, Discipline and Faculty Grievances (ADFG Office), the Student indicated that she would like to call 13 witnesses to testify for her at the full hearing of this matter. Given the uniqueness of this request and the relatively large number of witnesses that the Student sought to call, the Chair issued a Direction requesting that the Student summarize the issues to which each of these witnesses might testify. Following receipt of the Student's submissions on this point, the Chair issued a second Direction, scheduling a pre-hearing conference.

The pre-hearing conference was held on March 3, 2014, in order for the Student and the representative of the Respondent to discuss with the Chair matters of evidence, to set the hearing date, and to clarify certain matters regarding procedure for the Student. At the pre-hearing conference, the Student indicated affirmatively to the Chair that she understood that it was her responsibility to secure a representative for herself, should she wish to have one join her at the full hearing. The Student also indicated that there were four witnesses from among the 13 that she was interested in calling who were most relevant to the hearing.

Following the pre-hearing conference, and having considered the Student's written and oral submissions regarding witnesses, along with the Academic Appeals Committee's Terms of Reference, the Chair issued a third Direction, dated March 4, 2014, indicating that the Student could call relevant witnesses to testify at the hearing. The Chair also reminded the Student in that Direction and at the pre-hearing conference that it was her responsibility alone to confirm any witnesses' attendance at the hearing.

At the full hearing held March 25, 2014, no witnesses appeared for the Student, who was unrepresented. The Student did, however, indicate that she had received some advice from lawyers and paralegals in preparing her submissions. The Student and Respondent made verbal submissions, and the Student presented some points in Reply.

Analysis

The Panel unanimously dismisses the Student's appeal. The Panel does so having thoroughly reviewed all of the Student's written and oral submissions, including a large number of emails that the Student sent to the ADFG Office following submission of her Reply.

Quite simply, the Student raised no new evidence in her oral or written submissions that was either persuasive or relevant to the Appeal. All of the evidence that the Student raised at the hearing had either been addressed in the GAAB's decision, or was irrelevant to the question of the reasonableness of the GAAB decision and of the Respondent's decision to terminate her registration.

In her written submissions, the Student did indicate some specific concerns with the GAAB decision. The Panel finds that none of these concerns are persuasive or warranted. The Student's allegation that the GAAB was "biased" against her because it issued an unfavourable decision against her remains completely unsubstantiated. The Panel finds the GAAB decision to be thoroughly argued, reasonable, and substantiated by the evidence. On matters of procedure, the Student indicated in her written submissions that the case should have been sent by the GAAB

back to a departmental appeals body for a hearing at the department level. However, it is well established in SGS Policy 11.3.4 (which is easily accessible on the SGS website) and in the Terms of Reference for the Academic Appeals Committee, that the appropriate body to hear appeals from the GAAB is this Academic Appeals Committee. The Appellant also indicated in her written submissions that another ground for her appeal to the GAAB had been “compassionate grounds”, but did not indicate what these grounds were. The Appellant did at numerous times mention her immigration status in relation to the appeal, but indicated herself at the hearing that this status was simply a “governance” matter and a “complication” that she did not want to be further mentioned, and her immigration status was not presented as the basis for her seeking compassion from this Panel. Thus it was not a relevant issue to her appeal.

At the hearing, the Respondent’s representative cogently summarized the reasons for the Respondent’s decision to terminate the Student’s registration from the LMP Ph.D. program, and the basis for the conclusion that the GAAB decision was reasonable and based upon the evidence. We agree with the Respondent.

The Panel found the decision of the Respondent to terminate the Student to be entirely reasonable, particularly as the record indicates that this decision came only after numerous clear written and verbal warnings to the Student that her academic standing in her program was in jeopardy.

These warnings were repeated at a specifically convened meeting with the Student on February 27, 2013. In a March 1, 2013 letter, LMP Department Coordinator Dr. Harry Elsholtz summarized the meeting and listed four specific conditions that the Student must accept in order for her to continue within the program. The Student was clearly told that failure to meet the conditions would be “grounds for termination from the Ph.D. program.” The written record indicates that the Student not only failed to implement but also outright rejected these conditions for continuation within the program.

In addition, the reference in the GAAB decision to SGS Policy 9.1-- which stipulates that a student’s choice of thesis topic and choice of supervisor and committee are subject to the approval of the graduate unit-- was helpful in underlining the second policy rationale for the Respondent’s decision to terminate the student’s registration from her doctoral program. This policy is reasonable and the Respondent’s application of the policy justified in this case.

We therefore agree with the GAAB that the Department and SGS acted fairly and reasonably in deciding that her registration should be terminated.

For all of these reasons, the Panel rejects the Appeal.