

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

REPORT NUMBER 245 OF THE ACADEMIC APPEALS COMMITTEE

May 3, 2000

To the Academic Board
University of Toronto

Your Committee reports that it held a Closed Hearing on Wednesday, May 3, 2000, at which the following were present:

Professor Emeritus Alan Mewett, Acting Chairman
Professor Jack Carr
Ms Shruti Dev-Nayyar
Professor Wayne Hindmarsh
Professor Ian McDonald

Ms Susan Girard, Acting Secretary, Academic Appeals Committee

In Attendance:

Mr. M.H., the Appellant
Mr. Andrew Gray, Downtown Legal Services, for the Appellant
Professor Gordon J. Anderson, for the University of Toronto at Mississauga

The student appealed a decision of the Academic Appeals Board, dismissing his appeal from a decision of the Committee on Standing upholding his suspension from the College for one calendar year after he received a mark of 57% in PSY220H1 in which he was enrolled in the Summer Session of 1999. The student was on academic probation as a result of his previous marks and was required to obtain a cumulative GPA of at least 1.5 and a sessional GPA of at least 1.7. As a result of his mark in PSY220H1, the student's cumulative GPA was 1.35 and his sessional GPA was 1.3, and the College's regulation provided that he shall be suspended for one calendar year. The grounds for the student's appeal were that the Regulation can be waived in "exceptional circumstances" and that, on compassionate grounds, the student's personal circumstances were such that they constituted such exceptional circumstances. In the alternative, the student asked that the Committee order an early termination of the suspension in order that he would be able to enrol in the Summer Session, 2000

.This Committee accepts that the student was under considerable pressure during the entire academic session 1998-99 and the summer session of 1999. His sister had entered into an arranged marriage some time previously and had just obtained a divorce from the husband of that

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arranged marriage after some lengthy period of abuse. Both she and the student are Muslims and their culture is averse to divorce in such circumstances and their parents tended to put much of the blame for the failed marriage on the student's sister and on him and the student was subject to considerable emotional pressure from them.

By the Spring or early Summer of 1999, the divorce had been made final and the pressure on the student was easing. The student decided to enrol in PSY220H1 and matters were proceeding well, when the student's parents arrived from Saudi Arabia on a two week visit in order to arrange for the remarriage of the student's sister. They reminded the student of his duty of obedience to them and the student was again subject to emotional pressure as he watched his parents arrange this second marriage which, apparently, has worked out well.

The student was, of course, fully aware of the College Regulations, and the question for this Committee is whether these facts constitute a good and sufficient reason for waiving the Rule. One matter that must be taken into consideration is what alternative measures were open to the student when he realised that his personal difficulties were adversely affecting his studies. It was open to him to petition for a late withdrawal or to petition for a deferred examination, but he did neither.

The other matter that this Committee must address is whether it was the student's personal difficulties that were the cause of the poor mark and upon consideration of the student's overall record it is difficult to say that this is the case. In fact, throughout his entire studies at the College, the student's record, with only one or two exceptions, has been consistently weak, so much so, in fact, that his mark in PSY220H1 is entirely consistent with his previous record. It is true, of course, that he *may* have done better if it had not been for the family difficulties, but this Committee cannot state that those difficulties were the cause of the poor mark.

For these two reasons, namely, that the student failed to avail himself of more appropriate relief at the proper time and that the Committee is simply not convinced that his family difficulties caused his poor performance, the majority of the Committee would reject the appeal.

One member of the Committee would have allowed the appeal on compassionate grounds, in that the student's difficulties may have misled him into being overly optimistic in thinking that he could maintain the required 60%.

The Committee then considered the student's alternative request, namely, that the Committee order that the period of suspension be terminated forthwith. It is the opinion of the Committee that there are no grounds for making such an order. If the Rule and its application to the student were correct in the first place, as the majority holds, the suspension must be upheld unless there

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are new facts presented to this Committee that have arisen since the suspension was imposed that would differentiate this case from any other case. To hold otherwise would substantially undermine the rule regarding suspension for one calendar year.

The appeal is, by a majority decision, dismissed.

Susan Girard
Acting Secretary

Alan W. Mewett
Acting Chairman

May 3, 2000