

UNIVERSITY OF TORONTO

GOVERNING COUNCIL

Report Number 304 of the Academic Appeals Committee

October 18, 2005

Your Committee reports that it held a hearing on Tuesday, September 27, 2005, at which the following members were present:

Professor Emeritus R. Scane (Chair)
Professor C. Beghtol
Professor P. Byer
Mr. R. Campbell
Professor Ian McDonald

Dr. A.Gray, Judicial Affairs Officer, Secretary

In Attendance:

For the Student Appellant:

Ms B (The Student)

For the University of Toronto at Mississauga:

Professor G. Anderson

This is an appeal from a decision of the Academic Appeals Board of the University of Toronto at Mississauga (UTM), dated February 24, 2005 which dismissed an appeal from a decision of the Committee on Standing dated October 7, 2004. The latter decision denied a petition from the Student for permission to return early from a three year suspension which had been imposed following the completion of the Winter term in 2003.

The Student has had a poor academic record since being admitted into a B.A. programme at UTM in the Fall Term of 1998. By the end of the Winter term, 1999, she was on academic probation, and at the end of the 2000 Winter term, she was suspended for one year for failure to attain the required sessional and cumulative GPA. She returned in the Fall term of 2001, after serving her suspension, but at the end of the Winter term, 2002, she was suspended for three years for the same reason. However, this suspension was lifted by the decision of the Academic Appeals Board of UTM, dated December 11, 2002, and the Student returned for the Winter term, 2003. Again, she failed to obtain a sufficiently high GPA to maintain academic standing, and incurred the three year suspension from which she is now seeking

permission to return early. At the time of the latest suspension, she was 4.5 credits short of the required number for her degree.

The Student admits that she is completely at fault for her performance to date. She describes the reasons for her performance to date as failing “at prioritizing [her goals] correctly”, and “not taking my education seriously and failing to make the best of the opportunity of being admitted to the [U. of T.]”. She also cites bad course choices and ignorance of drop dates as contributing to her past problems. She argues that, during her recent suspension, she has gained maturity, and come to appreciate the value of an education. She hopes to obtain a B.Ed. degree and pursue a teaching career. With this in mind, she has completed the Early Childhood Education programme at Sheridan College with high marks, has worked in the educational field, and volunteered with several organizations working with children and youth. In her appearance before your Committee, she presented herself as composed and articulate, and confident of her ability to put her academic past behind her and succeed in achieving her goals. She desires to return now to the University and get on with the career she envisions for herself.

A request for relief from some or all of the usual consequences of inadequate academic performance, where the student is not claiming that there were mitigating factors which should be taken into consideration in weighing that performance, requires the student requesting the relief to satisfy the appeal tribunal that the granting of the relief will not compromise the academic standards of the University, and that the policy underlying the establishment of the normal penalty or consequence will still be upheld and applied if the penalty is removed or modified. In applying that very general test to an individual case, the tribunal must accept that the published standards, and the consequences of failing to achieve them, are sound, and take care not to subvert them by a relief too easily granted. On the other hand, the University has long acknowledged that there will be cases where it is appropriate and just to grant relief, and tribunals must also be prepared to recognize these cases where they are clearly established.

In its decision refusing to allow relief to the Student in this case, the Academic Appeals Board of UTM found that she did not “provide a compelling case”. The Student complained before your Committee that this phrase did not provide sufficient guidance as to what she was required to establish. It is true that the phrase is more evocative than definitive, but it suggests the Board’s understanding that a student seeking such relief must make a case that is stronger than merely establishing that it is more probable than not that the policy underlying the academic sanctions will not be compromised if relief is granted. Your Committee agrees that this greater onus is appropriate and correct.

In establishing the three-year suspension, which, apart from the ultimate penalty of denial of further registration, is the University’s most severe academic sanction, your Committee believes that the University intended, at the least:

1. to give the student opportunity to mature in her or his approach to the exercise of the personal choices to be made if success in university level studies is to be achieved;

2. to require the student to spend sufficient time at non-university activities, away from the university, that the student has a realistic opportunity to evaluate whether further university studies are the student's best career path.

It follows that, if relief from the full rigor of the suspension is to be granted, the student seeking such relief must satisfy the University that the desired maturation has occurred and that the student has realistically evaluated her or his academic prospects.

Here, the Student has not satisfied your Committee on either ground. Although it was not possible to schedule this hearing until two weeks after the term started, the Student wanted to resume her studies this term. Although this would be a precarious undertaking for her, and she would have no time to lose, she did not yet appear to have a clear plan as to what courses she would select. In particular, she could not explain how she could complete the Psychology programme to which she aspired but to which she has not been admitted. Her future plans involve seeking a B.Ed. degree after her B.A., but she does not appear to have considered or investigated the likelihood of admission to an education faculty with her academic record. The volunteer and other work she has done with children and youth is a positive step, and as mentioned, she presents herself well, but she seriously overestimated her ability to place her academic house in order when she persuaded the Academic Appeals Board, in December 2002, to lift the previous suspension. The failure to capitalize on the opportunity then afforded to her seriously diminishes her credibility before your Committee, not in the sense of truth or deliberate falsehood, but as to the reliability of her self-appraisal.

The appeal is dismissed.