

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 129 OF THE ACADEMIC APPEALS COMMITTEE

November 29th, 1989

To the Academic Board,
University of Toronto

Your Committee reports that it held a hearing on Wednesday, November 29th, 1989 at 2:00 p.m. in the Board Room, Simcoe Hall, at which the following were present:

Professor J. B. Dunlop (Chairman)
Professor J. de Leeuw
Professor K. G. McNeill
Professor D. Perrier
Mr. D. Power

Ms Irene Birrell, Secretary

In Attendance:

Mrs. *K.* the appellant
Mr. Marko Maryniak, Downtown Legal Services, counsel for the appellant
Mr. Alex Waugh, Assistant Vice-Principal and Registrar,
Woodsworth College

At a meeting on November 29th, 1989, the Academic Appeals Committee heard the appeal of *MRS. K.* from a decision of the Appeals Committee of Woodsworth College denying her appeal against a ruling by the Petitions Committee that her failure in LIN 130Y was a second failure and that she was therefore ineligible for further registration in the program in Teaching English as a Second Language (TESL). The appeal was based on a claim of extenuating circumstances involving stress on the appellant that prevented her from functioning at a level of which she felt she was capable. The decision of the Committee is that the appeal should be dismissed.

The appellant, who entered the certificate program after completing her B.A. in modern languages, had failed LIN 100Y, Introduction to General Linguistics in the first session in 1985-86 while obtaining a D- in Phonetics, a fall-term course and a B- in World Languages, another full-year course. She was put on academic probation as provided by the regulations because her Grade Point Average, after the 2.5 courses, was below the requisite 1.5.

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To have the probationary status lifted she needed to improve her cumulative GPA to 1.5 or achieve a sessional GPA of 1.7 in the following session. After her second session in 1986-87 she had another failure in Methodology of TESL and a D+ in Introductory Sociolinguistics. This gave her a sessional GPA of .8 and her cumulative GPA fell to 1.1. She was, in accordance with regulations, at that point subject to suspension for a year.

She appealed to this Committee and we granted the appeal, permitting her to continue in the program without serving the suspension because of extenuating stressful circumstances which had impeded her performance. We pointed out, however, that she remained on academic probation and would either have to raise her cumulative GPA to 1.5 or achieve a sessional GPA of 1.7. The College warned her in writing that the second failure of a required course would result in refusal of further registration. (SEE REPORT # 112)

The appellant's failure in LIN 130Y, which is the same course as 100Y, meant that her cumulative GPA fell below 1.0. She was, therefore, refused further registration. Even if the failure had not been her second failure in a required course, the goal of achieving an acceptable GPA during the remainder of her program would appear to have been beyond reach.

In considering whether to grant relief on account of extenuating circumstances the Committee looks at two questions: (1) whether the circumstances, in this case stress, were such as might well have affected the appellant's performance and (2) whether there is evidence that the appellant would have been successful in meeting the program requirements had the stress not been a factor. On the previous occasion it seemed to us that the appellant should be allowed the relief sought. On this occasion we were not able to reach a favourable conclusion.

The circumstances the appellant described were to a considerable extent the same circumstances that had been presented at the time of the previous appeal: the difficulty and uncertainty in working long hours as a supply teacher, financial difficulty, the psychological problems her 17 year old son was still experiencing 13 years after his father's death. There was no indication that the appellant had made any progress in overcoming them or adapting to them, although she had said at the previous appeal, and said again on this occasion that the stress seemed to be easing. We said on the previous occasion that many students suffer from stress, variously caused, and in the main they must cope as best they are able, although sometimes these stressful circumstances become so severe that recognition must be accorded their disabling effect. It was the Committee's view on this occasion that the appellant was not in a position very different from many others in the student body. Furthermore, there must be some indication that the future holds the promise of improvement and the Committee saw little evidence on which to base an optimistic prediction in this case.

The appellant says that the results in TESL are out of keeping with her overall record. But the fact that she had modest success in modern languages does not, in the circumstances, provide a basis for treating her consistently poor performance in TESL as anomalous. It is an altogether different sort of program.

Even if she were allowed to register again, it seems highly unlikely the appellant would be able to overcome the handicap of her current GPA. It seems, rather, quite likely that she would simply be wasting her time.

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For these reasons and for the reason given by the Appeal Committee of
Woodsworth College, the appeal is dismissed.

Secretary
January 24th, 1990

Chairman

