

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL
REPORT NUMBER 130 OF THE ACADEMIC APPEALS COMMITTEE

January 30th, 1990

To the Academic Board,
University of Toronto

Your Committee reports that it held a hearing on Tuesday, January 30th, 1990 at 2:30 p.m. in the Board Room, Simcoe Hall, at which the following were present:

Professor J. B. Dunlop (Chairman)

MR. R. Behboodi

Professor J. de Leeuw ✓

Professor J. Reibetanz ✓

Mr. A. Waugh

Ms Charlotte Turnbull, Secretary

In Attendance:

Mr. *T.* the appellant

Ms Heather Caswell, Downtown Legal Services, counsel for the appellant
Professor E. Irwin, Associate Dean (Academic), Scarborough College

At a meeting on January 30th, 1990 the Academic Appeals Committee heard the appeal of *MR. T.* from a decision of the Subcommittee on Academic Appeals of Scarborough College refusing his appeal for late withdrawal from three failed spring-term courses and two failed summer session courses in 1989. The appeal was on compassionate grounds. Before this Committee, the appellant recast the request to some extent, seeking to withdraw from three failed spring-term courses in 1989 and three courses, a D and two failures, in the summer of 1989. The amendment seems to have been in response to the observation by the Subcommittee that the appellant's request was highly selective, seeking to eliminate only the failures while retaining credit for the passed courses. No other reason was advanced by the Subcommittee for dismissing the appeal. The decision of the Committee is that the appeal should be dismissed.

The appellant had commenced his studies at Scarborough in Economics and Computer Science in the winter session of 1985 after one year of high school in Canada. He had come to Toronto from Yugoslavia with his family in 1984 when his father was posted to Toronto as a manager with Yugoslav Airlines for a period of four years. By the end of the 1986 winter session he had been placed on probation because of his cumulative Grade Point Average (GPA), which was 1.4. Probation would end when his cumulative GPA was brought up to 1.5. In the meantime he would require a sessional GPA of 1.7 to avoid suspension.

In the 1987 summer session the appellant obtained a GPA of 1.77 and in the winter session 1.74. This brought the cumulative GPA to 1.54 and ended probation. But then the trend reversed and a sessional 1.3 on a summer course in 1988 followed by 1.36 in the winter session put him back below 1.5 and on probation again. His summer session in 1989 produced a D and

REPORT NUMBER 130 OF THE ACADEMIC APPEALS COMMITTEE - January 30th, 1990

two failures and resulted in his suspension. At this point the appellant had obtained credit for 17.5 courses although he lacked the necessary average to be considered qualified for a three-year degree had he chosen that course. In any event, he was pursuing a four-year degree.

Although the Scarborough Subcommittee did not allow the late withdrawal, they did postpone the suspension. The appellant indicated that he would be required to return home to Yugoslavia if the suspension took effect. But in their reasons the Subcommittee said nothing about his claim based on the intense pressure he said he had experienced through the spring term and the summer of 1989 partly because of uncertainty as to whether his father would be required to return to Yugoslavia before the summer when the appellant and his brother would have finished their academic years and partly because of the father's constant criticism of the appellant's associations, male and female, which he blamed for the son's unimpressive record. The father wanted the appellant to complete his degree quickly so that he could obtain a work permit and support his brother the following year when the parents would be back in Yugoslavia and the younger son would still be finishing his degree. Particularly stressful was the father's attitude towards his relationship with a young woman, to the extent that the relationship deteriorated and eventually ended.

His suspension postponed, the appellant is currently enrolled in a number of courses with the aim, he said, of raising his GPA but this prospect seems dim since his two marks from the fall term were D and D-. He said that the appeal had been distracting him but these marks nevertheless are highly detrimental to his cause. Asked why he chose to pursue such an ambitious programme rather than limit himself to, perhaps, a single course he said that he would not be allowed to have a visa extension if he were only taking one course. It was also his belief that he was required to prove that he had \$17,000 in order to be permitted stay for a year. Neither of these requirements is in accordance with the Committee's understanding of the applicable regulations so it may be that the appellant was misled or was unduly pessimistic. In any case, the course of action he chose seems to have been unwise.

The Committee is sympathetic to the appellant's situation but unfortunately we cannot offer anything but sympathy. The Committee can accommodate the problem of short-term stress affecting, for example, performance on an examination. It has, on occasion, regarded stress over a longer period as justification for allowing a student to repeat a year instead of being required to withdraw. It has never been seen as excusing the individual's misjudgment in failing to withdraw on time from courses in which he or she was unlikely to pass. Striking all of this off the record would rewrite history to an extent the Committee has not done before and would be hard-pressed to justify in any case. In this case, any assistance the Committee might regard as justified would be of little use to the appellant whose task in overcoming an unfavourable GPA seems massive. While it is true, as the appellant pointed out, that his work in the fall term of 1988 was significantly better than his work thereafter in that he had a GPA of 2.14 on the five fall term courses, and that for two consecutive sessions in 1987 he achieved GPA's over 1.7, his overall record simply lacks the strength to support the conclusion that stress alone can be blamed for the untoward results of the calendar year 1989.

The appeal is dismissed.

Secretary
March 2nd, 1990

Chairman