

UNIVERSITY OF TORONTO  
THE GOVERNING COUNCIL

REPORT NUMBER 135 OF THE ACADEMIC APPEALS COMMITTEE

August 30th, 1990

To the Academic Board,  
University of Toronto.

Your Committee reports that it held a hearing on Thursday, August 30th, 1990 at 9:30 a.m. in the Council Chamber, Simcoe Hall at which the following were present:

Professor J. B. Dunlop (Chairman)  
Mr. R. Behboodi  
Professor K. G. McNeill  
Professor V. G. Smith  
Mr. A. Waugh

Ms Irene Birrell, Secretary

In Attendance:

Mr. *D.*  
Professor E. Irwin, Associate Dean (Academic) Scarborough College

At a meeting on August 30th, 1990, the Academic Appeals Committee heard an appeal by *MR. D.* from a decision of the Sub-committee on Academic Appeals of Scarborough College refusing his request to have his suspension postponed indefinitely. The decision of the Committee is that the commencement of the suspension should be postponed until September 1st, 1990 winter session but that the termination date should remain as it is, the end of the 1990-91 winter session. This will enable the appellant to receive credit for the summer session course he was taking at the time suspension was imposed in June. Notwithstanding the suspension, he was allowed to continue to take classes and write the tests and the examination in the course, ECOB03Y, and would, we were told, have achieved a grade of 75 percent had the suspension not been imposed. The Committee saw no basis for otherwise interfering with the disposition of the case.

The appellant's tale is a familiar one. The stress and trauma he suffered because of his father's prolonged and painful illness leading to his death in 1987, and because of the termination of the appellant's five-year relationship with a young woman, rendered the appellant incapable of effective work over a long period of time. Now, however, the appellant is convinced that his problems have been successfully resolved and that he has the ability and the attitude necessary to do good work. A suspension, he feels, would do more harm than good.

The appellant had a harrowing time. His description of his father's illness and the family situation left no doubt of that. And according to his own testimony it took the appellant two years, until the fall of 1989, to regain the ability to function effectively. The fact remains, however, that the appellant's record in the 1989 winter session was well below that required to maintain his probationary status and the evidence before us certainly did not establish to our satisfaction that his new found confidence was justified.

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The appellant explained that in the past, particularly in 1989 when his traumatic burden had eased, he thought he knew what was necessary, how much work he needed to do to succeed, but he was wrong; now, however, he knows he is right. It was not put quite that simply but that, in essence, was his argument. He wanted us to rely on his future grades as proof. But while he may now be right in his assessment of the situation, there is no basis for the Committee to conclude that this is the case, and a certain amount of evidence that it is not. Thus even if the Committee had the power to lift or postpone a suspension indefinitely on the basis that it felt a suspension was unnecessary, it would not do so in the circumstances of this appeal. The appellant had consistently ignored the advice he had been given by his doctor, (he would not take the anti-depressant drugs he had been prescribed) and by his counsellors at Scarborough who suggested a reduced course load (he decided that he needed a different sort of counselling). Finally, he differed with the decision of the College (which followed established rules governing the failure to maintain an adequate GPA) that he should take a year to re-think his future.

The appellant had entered Scarborough College in 1986, receiving special consideration at that time, we were informed, because of his father's illness. His high school performance would not otherwise have made him eligible. In his first year, the 1986 winter session, on the basis of four courses, he obtained a GPA of .93, which put him on probation, and the average rose only to a sessional 1.21 and a cumulative 1.07 the next year. Thus he was suspended, but his suspension was deferred a year, again on compassionate grounds. So he remained on probation. In 1988 the appellant obtained a sessional GPA of 1.78, enough to keep himself on probation but not enough to put him back in good standing because his cumulative was still below 1.5 (it was 1.21). His sessional fell again in 1989 to 1.12 reducing the cumulative GPA to 1.19 and his suspension followed.

Prior to this appeal the appellant had 9.5 credits towards a degree and ECOB03Y will raise the total of 10.5. To graduate with a 15 credit degree, he will need to perform remarkably well because he will need a 1.60 cumulative GPA and, even assuming a grade of 75 percent on ECOB03Y, he will have a long way to go. Notwithstanding the evidence of improvement in this most recent course, the Committee has grave doubts about the appellant's ability to take a full course load successfully. He might be wiser to limit himself to two courses at a time. Certainly he should not exceed the limit of three that we were told had been set by the College.

The decision to grant the appellant credit for ECOB03Y is one based on compassion. The Scarborough Sub-committee attached some significance to the appellant's emotional burden in explaining his poor record but thought there were other reasons as well. The appeal to the Sub-committee came about the time of the second test in the course and the Sub-committee drew a negative inference from the fact that the appellant's test result had not been the success he had predicted. It is now clear that the result was, insofar as the ECOB03Y was concerned, an aberration and that his prediction of success in the course was borne out. What the Scarborough Sub-committee might have done, had they known the full story, we cannot say. This Committee decided that the result showed what the appellant could do when taking only one course and felt there was justification for permitting him to reap the benefits and encouragement it would provide.

The appeal is therefore allowed to the extent indicated but is otherwise dismissed.

Secretary  
September 14th, 1990

Chairman