

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL
REPORT NUMBER 139 OF THE ACADEMIC APPEALS COMMITTEE
February 6th, 1991

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Wednesday, February 6th, 1991 at 2:30 p.m. in the Falconer Room, Simcoe Hall at which the following were present:

Professor J. B. Dunlop (Chairman)
Ms C. Gidney
Dr. D. I. Murdy
Professor K. G. McNeill
Professor D. Perrier

Ms D. Petersen, Governing Council Secretariat

In Attendance:

Mr. ^{A.T.} the appellant
Mr. K. Jull, Beard, Winter, counsel for the appellant
Professor D. E. Moggridge, for the College

At a meeting on February 6th, 1991 the Academic Appeals Committee heard the appeal of *Mr. A.* against a decision of the Academic Appeals Committee of Erindale College refusing the appellant's request to have his suspension set aside on compassionate grounds. The suspension for a period of one year came at the end of the summer session in 1990 when the appellant, who already had a cumulative Grade Point Average of 1.37, obtained an E in ECO244Y, Industrial Relations. As this was the second consecutive session in which he had fallen below a cumulative GPA of 1.5 and failed to obtain a sessional GPA of 1.7, suspension was automatic. The appellant claimed that burdens on him during that session as a result of a family wedding followed by the illness of both parents were a source of such stress that his opportunity to show his true ability in the course became impossible.

The decision of the Committee is that the appeal should be dismissed. The Committee had sympathy for the circumstances under which the appellant laboured during the summer session. He performed many household duties and assisted his parents. He was concerned about their health as both became ill. He could have withdrawn from the course before the drop date but did not do so because he hoped and believed that things would improve.

However, sympathy alone cannot translate into the remedy sought. The Committee cannot simply ignore the suspension rule because it has sympathy for the appellant's problem. The Committee could relieve against the effect of the rule by setting aside the grade obtained in the summer session of 1990 if it believed the grade an undeserved consequence of unreasonable stress. This would, in effect, nullify the session for the purpose of determining standing, the student reverting to the status of probation.

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Even if we were convinced that the stress on the appellant was sufficient to be a plausible explanation for his failure, there was no evidence that the appellant was likely to have done better under normal circumstances. While the appellant had one or two marks of quality, his grades overall were poor to mediocre. He has failed ECO100Y, Introduction to Economics, twice. In three attempts at COM120F, Financial Accounting, he scored an E, a D- and a D. His persistence in thinking Commerce was a field in which he was likely to succeed could be called wishful thinking. A higher grade in ECO244Y would have been a departure. Thus, we could not conclude that his failure was due to the stress of unusual circumstances.

Counsel for the appellant, Mr. Jull, cited decision 22 of the Academic Appeals Board in which extenuating circumstances based on the stress of financial and personal difficulties and protracted legal proceedings were such as to constitute an unfair impediment to achievement of the required standards which her previous record suggested she was capable of meeting. Although it is not spelled out in the published reasons, that case involved more serious pressure than the present case. Further, the student's creditable record included obtaining a degree. The appellant's record is of a different order.

The purpose of a suspension is to allow a student to spend some time in introspection, thinking about his or her goals and whether his or her course of action needs adjustment. The College, through Dean Moggridge, said that the appellant had always resisted counselling and while he now was seeking it out, it was still too early to say his planning and organization were realistic. Furthermore, Dean Moggridge thought, resuming studies in the summer session after a suspension is rather risky due to the pressure of the compact terms (May-June and July-August) on a person who would still be on probation and would need a 1.7 sessional GPA to retain his probationary status.

The appellant's own interest would be best served, in the Committee's view, if he were to spend more time considering and planning a program. He has gone part way, deciding to give up on Commerce. His alternative plan is still rather vague.

The appeal is dismissed.

Secretary
February 15th, 1991

Chairman