

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 144 OF THE ACADEMIC APPEALS COMMITTEE

October 4th, 1991

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Friday, October 4th, 1991 at 9:00 a.m. in the Falconer Room, Simcoe Hall at which the following were present:

Professor A. Mewett, Chairman
Professor C. C. Brodeur
Mrs. D. Hellebust
Mr. A. Lim
Professor J. T. Mayhall

Ms Susan Girard, Acting Secretary,

In Attendance:

Ms *A.* the appellant
Ms E. Massey, Downtown Legal Services, counsel
for the appellant
Professor R. D. G. Boocock, for the Faculty

1. The Appeal

The appellant is appealing the decision of the Ombudsman Committee of the Faculty of Applied Science and Engineering, denying the appellant's request to enrol as a full-time student in the Second Year program of that Faculty, taking a split program of First and Second Year courses. We note at the outset that this would necessitate the student taking five half courses in the Fall term and seven half courses in the Spring term for a total of 88 (84 + 4) weight units. The normal maximum total weight units permitted are 76 (one course having an additional 4 weight units so that the normal is 72 + 4) with only Honour students being permitted to carry a heavier workload. In addition it entails a timetable conflict which would result in the student missing 1 hour of a 2 hour lecture in MEC100 and 1 hour of a 2 hour tutorial in CIV263. This is permitted under the Faculty Rules, but will require the student to make up for what is missed.

The appellant is fully confident that she has the ability to pursue such a program so that she will be able to have completed her Second Year of studies by the end of this academic year, and the Committee does not question the appellant's confidence in her abilities.

The Faculty, on the other hand, has given the appellant the option of (a) returning in January 1992 to complete the First Year and then registering for the Second Year program in September 1992, or (b) returning in September 1991, to complete First and Second Year on a Part-time basis, provided that all First Year courses are completed by the end of April 1992.

It will be seen that, in effect, the difference between the appellant's plan and the Faculty's options is that, under the former, the appellant will have completed Second Year one year earlier.

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2. The Background

The academic history of the appellant is as follows. She first entered in September 1988 with a good high school record. In the Fall Term, 1988, her average was 57% and she was placed on first probation; in the Spring Term, 1989, her average was 55% and the Faculty ruled that she failed with permission to re-register in the Fall, though on second probation. She then petitioned, on compassionate grounds (of which more later) which was denied, but was allowed to repeat only on first probation.

In the Fall Term, 1989, carrying five courses instead of six (having received credit for one course), she received an average of 65%, thus clearing her probation. She then withdrew from Engineering before completion of the Spring Term.

In the Fall Term, 1990, she registered in the Faculty of Arts and Science, taking five courses of which four were completed for an average of 66%. In the remaining course, she was ill for the examination and is currently awaiting that Faculty's approval to remove the 'standing deferred' by completing the course requirements. The Committee, therefore, to be fair to the student, has ignored the uncompleted course.

Upon her application to register in the Faculty of Applied Science and Engineering, the appellant was given credit for a number of courses, but still falls short of a complete First-Year program.

The Committee has considerable sympathy for the student in view of the compassionate grounds that she advanced. There is no doubt that a very tragic and traumatic event, coupled with difficult circumstances in her home environment, at a critical time in her studies, adversely affected her scholastic performance and the Committee fully accepts that the appellant has shown considerable courage and determination in overcoming these difficulties and that, with them now behind her, they should present no further obstacles for her.

The Faculty was motivated by a sincere desire to pursue a course that was in the best interests of the student and has been influenced by the same compassionate grounds that were presented to the Committee.

3. The Decision

The Committee, too, is concerned that any decision be in the best interests of the student. It recognizes the confidence that the appellant has in her abilities and it recognizes the understandable desire of the student to pursue her chosen course of study as expeditiously as possible. This, in itself, is admirable. But the undeniable fact is that the appellant has not yet demonstrated that she does have the capability to pursue a course of study that would require a workload that even an Honour student would find difficult. To permit any student to accelerate her course of studies to the point where the chances of successful completion of a program are considerably reduced is to abdicate a Faculty's primary responsibility to ensure as far as possible that a student does not exceed her level of performance in her attempt to expedite progress through the program.

Even making full allowance for the compassionate grounds advanced by the appellant, the Committee simply cannot find that her optimism is warranted when judged by her performance hitherto and the studies she has undertaken since the traumatic events mentioned above. The Committee believes that the options offered to the appellant by the Faculty represent the best course in this case. Either one will maximize her chances of successfully completing the program of studies she has undertaken.

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4. Judgment

The Committee, therefore, dismisses the appeal.

Secretary
October 8th, 1991

Acting Chairman

