

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 152 OF THE ACADEMIC APPEALS COMMITTEE

June 17th, 1992

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Wednesday, June 17th, 1992 at 10:00 a.m. in the Flavelle Room, 78 Queen's Park Crescent, at which the following were present:

Professor J. B. Dunlop, Chairman
Professor W. R. Cummins
Professor J. T. Mayhall
Professor K. G. McNeill
Mr. C. Walker

Ms L. Snowden, Secretary

In Attendance:

Mr. K.C., the appellant
Professor D. E. Moggridge, for the Faculty

On Wednesday, June 17th, 1992 the Academic Appeals Committee heard the appeal of Mr. K.C., a student of Victoria College against his suspension for three years on the basis of his failure to maintain either a 1.5 cumulative GPA or a sessional GPA of 1.7. He had been suspended for a year in 1988 after the summer session when his cumulative GPA was .86. Having served that suspension the appellant resumed his program on academic probation and after the winter session in 1990, had a sessional 1.23 and a cumulative 1.02 on 3.5 courses. The single course in the summer session in 1990 resulted in a D+ which translates into a 1.3 sessional GPA. His cumulative rose to 1.04. One is bound to doubt that the appellant will ever achieve the necessary goal. The Committee's decision is that the appeal must be dismissed.

The appellant told the Committee that he believed his best interests would be served by returning to the University now rather than after his three-year suspension. This was so because he was 29 years of age, he was falling behind his peers, the recession had made part-time employment by which he supported himself impossible, and therefore the sooner he finished the better. He wished to return to China to use his skills and ability to make a contribution.

There were thus many reasons why the appellant wanted to skip the suspension he was under. There seemed, however, no reason this Committee could determine that would justify setting aside a suspension that is applied to all students automatically should they fail to achieve the relevant sessional or cumulative average. It seemed likely that if given a chance, the appellant would simply fail and face permanent termination. The regulation is enacted by a quasi-legislative body and it is not for a quasi-judicial body to interfere simply because the appellant

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wishes it. It may be that a committee in the Faculty has such power, but in the absence of some extenuating circumstance suggesting the failure as a departure from the norm and further that in ordinary circumstances the appellant would likely pass, we can do nothing but dismiss the appeal.

The appellant presented an argument based on health. But it was not powerful and in any case did not meet the second part of the test.

The Committee's sympathy was most surely engaged and members asked many questions, long after it was obvious to us that we were merely postponing a decision. At the same time, we were informed that the Committee on Standing had discretion to respond as requested. We therefore suggested that the appellant commence a fresh petition. But he should consider whether another program in another institution would not be more appropriate and more likely to be manageable.

As far as our own decision, it had to be "appeal dismissed."

Ms L. Snowden
Secretary

Professor J. B. Dunlop
Chairman

July 31st, 1992