

**UNIVERSITY OF TORONTO**

**THE GOVERNING COUNCIL**

**REPORT NUMBER 157 OF THE ACADEMIC APPEALS COMMITTEE**

**October 2nd, 1992**

To the Academic Board,  
University of Toronto.

Your Committee reports that it held a hearing on Friday, October 2nd, 1992 at 2:00 p.m. in the Flavelle Room, Faculty of Law, 78 Queen's Park Crescent, at which the following were present:

Professor A. Weinrib, Vice-Chairman  
Professor C. C. Brodeur  
Mr. E. de Gale  
Mrs. D. Haist  
Professor J. T. Mayhall

Ms L. Snowden, Secretary

In attendance:

Ms M.M., the appellant  
Mr. D. Harris, Downtown Legal Services, counsel for the appellant  
Professor M. Donnelly, Associate Dean, Faculty of Arts and Science

On October 2nd, 1992 the Academic Appeals Committee of the Governing Council heard the appeal of Ms M.M. from a decision of the Academic Appeals Board of the Faculty of Arts and Science. On March 26th, 1992, the Board denied Ms M.M.'s appeal against her suspension from the Faculty for a period of 3 years from the end of the 1989-90 Winter Session.

Ms M.M. began her career at the University of Toronto in 1957 in the School of Nursing. In 1966 she commenced working towards a Bachelor of Arts in the Faculty of Arts and Science. By the end of the Winter Session 1979-80 she had completed a four-year B.A. She has continued to take courses as a special student in Woodsworth College. Between the 1980-81 Winter Session and the 1990-91 Winter Session, she has registered in approximately 45 full year courses. The rules of the Faculty indicate that any student with a cumulative GPA of less than 1.50 and a sessional GPA of less than 1.70 shall be suspended for 3 years if he or she had previously been suspended. Ms M.M. had been on suspension for the 1988-89 academic year.

The evidence given by Professor Donnelly, the Associate Dean of the Faculty, indicated that the usual notification of a student's sessional grades and disposition had been sent to Ms M.M. after the 1989-90 Winter Session. This transcript noted that Ms M.M. was on suspension for 3 years. Ms M.M.'s evidence was that she did not receive the transcript.

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In September, 1990, the appellant enrolled in a number of courses despite the suspension. The Faculty decided to allow her to continue her studies as her enrolment was due to an oversight of the administrative system. In the 1990-91 Winter Session Ms M.M. completed 2 full year courses with a sessional average of 1.50.

The Faculty took the position that the appellant's suspension should begin in May 1991 and conclude in May 1994. The Faculty's position is that because the appellant took courses in 1990-91, the 3-year suspension must be enforced starting in 1991.

Ms M.M. asks that this Committee shorten the suspension period so that she may be allowed to enroll in the Winter Session of 1992-93. Her counsel argued that her suspension has been long enough for a mature student, and that any further suspension would not serve any academic purpose. This Committee declines to shorten the suspension. The rules of the Faculty of Arts and Science are clear and the decision of the Academic Appeals Board not to reduce the suspension is a reasonable one.

In the alternative, the appellant asks that the original suspension period, 1990-93 be reinstated so that she may be allowed to enroll in the Summer Session of 1993. This Committee agrees with the appellant's request. The appellant was inadvertently allowed to enroll in two courses in the 1990-91 Winter Session. The Committee appreciates that the Faculty may not have been at fault. The Faculty of Arts and Science is large and complex, and incidents of this sort are practically bound to happen. However, the Committee feels that in substance, the 3-year suspension from 1990 to 1993 will have been carried out by the end of the Winter Session 1992-93. Therefore, this appeal is allowed insofar as Ms M.M. will be allowed to enroll in the Faculty starting in the Summer 1993 Session.

Ms L. Snowden  
Secretary

Professor A. Weinrib  
Vice-Chairman

October 13th, 1992