

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 163 OF THE ACADEMIC APPEALS COMMITTEE

March 12th, 1993

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Friday, March 12th, 1993 at 2:00 p.m. in the Flavelle Room, Faculty of Law, 78 Queen's Park Crescent at which the following were present:

Professor J. B. Dunlop (Chairman)
Professor J. Brailey
Mr. E. de Gale
Professor J. T. Mayhall
Mr. A. Waugh

Ms L. Snowden, Secretary

In attendance:

Ms L.L., the appellant
Ms Usha Kanataratnam, Downtown Legal Services, counsel for the
appellant
Ms Marie Gerrard, for Scarborough College

At a meeting on March 12th, 1993, the Academic Appeals Committee of the Governing Council heard and decided the appeal of Ms L.L. from the Subcommittee on Academic Appeals of Scarborough College which refused her request to have her suspension postponed on the ground that the grades she obtained in the summer session of 1992 were unduly affected by her illness during the examination period and should not be the basis for suspension.

The decision of the Committee is that the appeal should be dismissed. The Committee's view on the matter of relief based on illness is that two criteria must be satisfied. First, the illness must be serious enough that the Committee is persuaded that it might well have interfered with the student's ability to meet the requirements of the examination. Second, there must be evidence from which the Committee can conclude that the student's performance, absent any debilitating factors, would have been at a level that would have negated any prospect of suspension - in other words - likely to be above the Sessional Grade Point Average of 1.7 or the Cumulative Grade Point Average of 1.6.

The appellant satisfied the Committee as to neither criterion. The grades achieved by the appellant on a full-year course ECO200 Y was E and on two one-term courses, GGR343 S and MGT120 F, D- and D. This gave her a sessional GPA of .58 and reduced her Cumulative GPA from 1.31 to 1.15. Thus it was the worst performance of the two winter and two summer sessions she has spent at Scarborough since entering in September, 1990. It was also a heavy summer session, relatively the heaviest session she had undertaken. The physician's letter said

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that she had consulted him the day before her first exam with a high fever and chills. The doctor diagnosed severe influenza, prescribed medicine and told her to rest. He further stated that he thought her illness "may have affected her preparation as well as performance" during the next few days.

The letter contained a minimum of information. In light of her previous record and the fact that when an earlier suspension had been deferred the appellant had been advised to avoid ECO and MGT courses but declined to accept the advice, the Committee found the doctor's opinion insufficient to overcome the strong contrary inference. Even supposing that her performance may have been affected, that was, as we have indicated, not an end of the matter.

The Committee's view is that the appellant, who informed us she had never sought advice or assistance from the academic counseling service, would be unlikely to change either her course of conduct or her rate of success unless she seeks and accepts this assistance. Unfortunate as suspension may seem, if it has the effect, as it should, of persuading the appellant to seek academic counseling it may in the end prove a benefit.

As matters stand the information available to us points to the appropriateness of the Scarborough Committee's decision.

The appeal is dismissed.

Ms L. Snowden
Secretary

Professor J. B. Dunlop
Chairman

March 19th, 1993