

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

REPORT NUMBER 165 OF THE ACADEMIC APPEALS COMMITTEE

June 22nd, 1993

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Tuesday, June 22nd, 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 A. E. Weinrib (Vice-Chairman)
Professor B. Brown
Mr. K. Dancy
Professor J. T. Mayhall
Professor M. Moskovits

Ms L. Snowden, Secretary

In attendance:

[The Appellant¹]
Ms S. Bozniak, Downtown Legal Services, Counsel for the appellant
Professor M. Donnelly, for the Faculty of Arts & Science

On June 22nd, 1993, the Academic Appeals Committee of the Governing Council heard the appeal of [the Appellant] from a decision of the Academic Appeals Board of the Faculty of Arts and Sciences denying his petition that a three-year suspension imposed on him by the Faculty after the 1992 summer session be shortened so that he might enroll in the Faculty in September, 1993. In the alternative [the Appellant] wishes to be allowed to enroll in the summer session, 1994.

[The Appellant] graduated from high school in 1971 in Cambodia. He was enrolled at the Royal Khmer University from 1971 to 1975. His studies ended when the Khmer Rouge Government gained control of the country. [The Appellant] escaped from Cambodia and arrived in Canada in 1980. After working and improving his English he enrolled in Woodsworth College in September, 1989. He was given 5 transfer credits by the University. His sessional GPA for the 1989-90 academic year in 5 courses was 0.36. He enrolled in two full courses during the summer of 1990. His GPA for those two courses was 0.35. In the 1990-91 academic year the student enrolled in two full courses and two half courses for which he received a sessional GPA of 0.98. He was suspended from attendance in the Faculty for one calendar year and was placed on academic probation on his return. In the summer session of 1992 [the Appellant] repeated

¹ **Editor's Note:** See Report Number 205 of the Academic Appeals Committee.

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two courses (Economics 200Y and Mathematics 133Y) which he had taken in the 1989-90 academic year. His GPA for those two courses was 0.50. He was then suspended from attendance in the Faculty for three calendar years. It is from that suspension that [the Appellant] appeals.

On February 11th, 1993, the Academic Appeals Board of the Faculty of Arts and Science decided not to grant the student's appeal from the application of the Faculty's rule involving the three-year suspension. The Board decided that in view of the student's overall record at the University there was no justification for an early termination of the suspension.

At the hearing before us, Counsel for [The Appellant] urged us to take into account the exceptional circumstances of the student's background. [The Appellant] was under serious financial strain which required him to work approximately 75 hours a week during the spring and summer months while he was at the University. He has also been belaboured by personal stress and anxiety in relation to the welfare of those of his family still in Cambodia. The political situation in Cambodia seems to have improved recently with the elections, and [the Appellant] indicates that his family situation no longer preys on his mind. He also has indicated that he has saved enough money so that he can devote himself to full-time studies for the 1993-94 academic year.

This Committee accepts [The Appellant]'s evidence concerning his financial situation and his family's situation in Cambodia. But should the suspension be lifted? This Committee's appellate jurisdiction in cases of this nature is governed by the need to uphold the academic standards of the University as seen in Faculty rules. However, in exceptional circumstances and where this Committee feels that in substance the policy behind the rule has been vindicated, we can provide appropriate relief. Since May, 1991, as outlined above, the student has been registered in two courses. By June 1994, [the Appellant], if one ignores those two courses on compassionate grounds, will have been away from the University for three years. Although the decision of the Academic Appeals Board of the Faculty of Arts and Science not to allow [the Appellant]'s appeal is clearly a reasonable one, we have agreed that in the circumstances of this case, [the Appellant] should be allowed to register for the Summer Session of 1994. In effect, the three-year suspension will run from May 1991 to May 1994.

The appeal is allowed.

Ms L. Snowden
Secretary

Professor A. E. Weinrib
Vice-Chairman

June 22nd, 1993