

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 173 OF THE ACADEMIC APPEALS COMMITTEE

March 1st, 1994

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Tuesday, March 1st, 1994 at 2:00 p.m. in the Rowell Room, Faculty of Law, 78 Queen's Park Crescent at which the following were present:

Professor A. Weinrib (Vice-Chairman)
Professor D. I. Galbraith
Ms P. Haist
Professor R. Pike
Mr. M. Teper

In attendance:

Ms C.B., the appellant
Ms M. Whelton, Downtown Legal Services, counsel for the appellant
Mr. D. Perry, Registrar, Scarborough College

This is an appeal by a student from a decision of the Sub-committee on Academic Appeals of Scarborough College refusing a petition to reduce a three-year suspension imposed on the student following her academic performance in the 1992-93 academic year.

Ms Whelton, in her able submissions on behalf of the student, argued that there was sufficient medical evidence to indicate that the student was under a severe medical disability and that her grades were a reflection of her painful and stressful illness during that academic year.

The student first came to Scarborough College for the 1990-91 academic year. The evidence was that she was an outstanding student in high school. As a general matter, however, a student's high school record has very limited utility, if any at all, in an appeal to this Committee. In her first year in 1990-91 she attained a GPA of 0.70 and hence was placed on academic probation. During the summer session of 1991, the student took one full- and two half-courses and had a sessional GPA of 0.15. Her cumulative GPA at this point was 0.53. She therefore was suspended from the College for the period of one year.

The student returned for the 1992-93 academic year. It was in this year that she suffered the effects of the illness as mentioned above. The student took four and one-half courses for the year and received a sessional grade point average of 0.44. Her cumulative GPA fell to 0.50. She was then suspended, according to Scarborough College rules, for a period of three years.

The Scarborough College Sub-committee on Academic Appeals upheld the Sub-committee on Standing in dismissing her petition for a deferral or reduction of the suspension. The Sub-committee on Academic Appeals wrote as follows:

Report Number 173 of the Academic Appeals Committee

It notes that the Sub-committee on Standing, in rejecting your Petition for a deferral of suspension, indicated that it would be prepared to consider a petition next year to return early from suspension if your health has improved significantly. This Sub-committee agrees with the response of the Sub-committee on Standing and denies your appeal. You are advised to consider carefully the recommendation to seek counseling help before submitting such a petition.

The appellant produced evidence after the decision of the Scarborough College Sub-committee on Academic Appeals had delivered its decision that her physical condition improved after treatment in May 1993. Of course, this evidence was not before the Sub-committee on Academic Appeals.

In light of the circumstances of this case, we have decided to adjourn these proceedings in order to allow the student to put any fresh evidence as to her medical condition before the Sub-committee on Standing by way of a petition. A new petition will also allow her to put before the Sub-committee on Standing an academic plan sufficient to convince it that she has made a realistic appraisal of her academic possibilities at the College. Mr. Perry in his helpful evidence for the College indicated that the Sub-committee on Standing would consider a petition with those two factors seriously and expeditiously. He indicated that if the Sub-committee was satisfied with the evidence which the student produces as to these two matters, that the suspension could possibly be lifted in time for the student to register for the 1994 summer session. This Committee is reluctant to decide cases on the basis of evidence, especially of an academic nature, which was not before the committee being appealed from. The appellant's main concern seems to be that she would like the suspension lifted in order for her to register in a course in the summer session of 1994 preparatory to re-registering as a full-time student in the Fall of this year. The Committee thinks that there is time for the appellant to petition the Sub-committee on Standing so that it may consider the new medical evidence and the appellant's proposals for insuring that she has some academic success at the College's programme.

In the circumstances, this appeal is adjourned to allow the appellant to petition the Sub-committee on Standing as outlined above.

Secretary

Professor A. Weinrib
Vice-Chairman

March 3rd, 1994