

**UNIVERSITY OF TORONTO**

**THE GOVERNING COUNCIL**

**REPORT NUMBER 189 OF THE ACADEMIC APPEALS COMMITTEE**

**March 13th, 1995**

To the Academic Board,  
University of Toronto.

Your Committee reports that it held a hearing on Monday, March 13th, 1995 at 1:30 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  
Ms P. Cross  
Ms P. Haist  
Professor E. Mendelsohn  
Professor R. Pike

Ms L. Snowden, Secretary

In attendance:

Mr. D.Y, the appellant  
Mr. D. Perry, Registrar, Scarborough College

On March 13th, 1995 the Academic Appeals Committee heard the appeal of Mr. D.Y. from the decision of the Sub-committee on Appeals of Scarborough College declining to interfere with the conclusion of the Sub-committee on Standing that the appellant be suspended for a year. The appeal was based on extenuating circumstances which the appellant asked us to accept as justifying setting the suspension aside. The decision of this Committee is that the appeal must be dismissed.

**REGULATIONS**

The relevant academic regulations are as follows: once one has taken 2.5 courses, one's academic standing is calculated at the conclusion of each session. Unless one has and maintains a Cumulative Grade Point Average of 1.6 (an average reflecting the line between C- and D+), one is placed on Academic Probation. A sessional GPA of 1.6 in succeeding sessions will maintain this precarious status, but only by raising one's cumulative GPA to 1.6 can one reinstate oneself in Good Standing. A student on Academic Probation who fails to achieve a sessional 1.6 is suspended for a year.

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### **APPELLANT'S SUSPENSION**

The appellant came to Canada from Hong Kong in 1991 and entered Scarborough College in the Winter term of 1992. He took two spring and one fall course in Music and full year courses in Economics and Management. At the end of the session his grades of F, D-, D, D+ and B produced a GPA of 1.10 and put him on academic probation.

The appellant then took a course in the summer session, achieved a grade of C- which in itself was adequate as a sessional GPA of 1.70 but raised his cumulative GPA only to 1.18. He thus remained on probation.

At this point the appellant embarked on his most ambitious session in Winter 1993, taking six and one half courses. He fared only slightly better than he had in the first winter. In the end he had a Sessional GPA of 1.13, a Cumulative GPA of 1.15 and he was suspended for a year.

### **BASIS OF APPEAL**

The appellant attributed his difficulty to a number of factors but in the Winter session of 1993 the principal problem was the amount of time and effort consumed by looking after his parents who had come from Hong Kong to stay with him. They came in September, 1993 and stayed until after Christmas. They were here "for immigration purposes", the appellant told us. They do not speak English, and he had to "drive them everywhere", often during the day. They had to go frequently to see a doctor, his mother being very sick. His studies could not be given proper attention. Although he could have withdrawn from some courses, the appellant felt that there was sufficient possibility of success by the drop date to warrant continuing notwithstanding the heavy schedule.

The suspension has almost run its year and the appellant will be able to register in the 1995 Summer session. Postponing suspension at this juncture would have little practical effect. He would be on probation in either case. The question of his right to credit for a course he evidently "took" (or audited) in the summer of 1994 might arise. The remedy the appellant sought was to have the suspension notation removed from his transcript. So his main concern may have been to have no blemish on his record.

### **DECISION**

An appeal of a student's poor performance based on extenuating circumstances or compassionate grounds is not uncommon and can succeed, but it requires the student to convince the Committee that he or she was deprived of a fair chance of success by circumstances beyond his or her control. The Committee must also see evidence that, but for the circumstances, the student might reasonably have been expected to succeed.

Family affairs affect many students. Sometimes they involve grave illness or other crisis and present temporarily insuperable barriers to effective performance. The appellant's difficulties were not visited on him by forces he was powerless to influence. Other arrangements for his parents' visit or scaled down academic obligations would have been sensible. The appellant attempted more than he had the capacity to accomplish. It is one of the purposes of suspension

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that the student be forced to take stock and make any revisions to his or her programme or approach that may improve future performance. The Committee sees no evidence that the appellant could achieve significantly better results and has been given no adequate reason to try to remedy a misjudgment by the appellant. In any case, the transcript would continue to show the fact of suspension. If the appeal were allowed, it would simply add to the transcript that the suspension had been lifted because of extenuating circumstances.

The appeal is dismissed.

Ms L. Snowden  
Secretary

Professor J. B. Dunlop  
Chairman

April 17th, 1995