

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

REPORT NUMBER 205 OF THE ACADEMIC APPEALS COMMITTEE

February 14, 1996

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing, *in camera*, on Wednesday, February 14, 1996, at 2:30 p.m. in the Falconer Room, Simcoe Hall, 27 King's College Circle, at which the following were present:

Professor Ralph Scane, Acting Chairman
Mr. Henry Kim
Professor John Mayhall
Professor Ruth Pike
Professor Kenneth Shulman

Ms Susan Girard, Acting Secretary

In attendance: the Appellant
Mr. Ryan Filson, counsel for the Appellant
Dean Susan Horton, Associate Dean, Faculty of Arts and Science

Your Committee considered an appeal by the appellant from a decision of the Academic Appeals Board of the Faculty of Arts and Science dated November 27, 1995 and, because he requested a closed hearing which was granted, the appellant is not named in these reasons. The Board dismissed an appeal from a decision of the Committee on Standing of the Faculty, which had refused to lift the status of being refused further registration in the Faculty. This was invoked after the 1994-95 Winter Session, in which he attained a sessional GPA of 1.41 and a cumulative GPA of .90.

The appellant entered Woodsworth College in the 1989-90 Winter Session, as a degree student, being granted certain transfer credits from Royal Khmer University in Cambodia. After that Session, in which he attained a GPA of .36, he was placed on academic probation. Two courses taken in the Summer Session of 1990, with a sessional GPA of .35, led to a one-year suspension. On petition, this was deferred to the beginning of the 1991 Summer Session, and he was permitted late enrolment in the 1990-91 Winter Session, at the end of which he had a sessional GPA of .98 and a cumulative GPA of .55.

After sitting out that suspension, the appellant returned for the 1992 Summer Session, in which he took two courses, ending up with a sessional GPA of .50, and a cumulative GPA of

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.54. This result triggered a three-year academic suspension. However, this was modified through the academic appeals process, by dating the suspension period from May, 1991¹. This enabled the appellant to enroll in the 1994 Summer Session, where, taking three courses, he obtained a sessional GPA of 1.77, bringing his cumulative GPA to .78. This brought him into the 1994-95 Winter Session, on academic probation, where he obtained the result referred to above, leading to denial of further registration.

The appellant bases his argument for relief on the fact that his mother became seriously ill, apparently terminally, and was hospitalized in Toronto for six weeks in February and March, 1995. (Her condition fortunately has stabilized since.) During this period, the appellant spent a great deal of time at the hospital. The need for his attendance there was increased by her inability to speak English. Because of her illness, and the demands it made upon his time and energy, he had difficulty in keeping up with his studies. He states that he felt that he needed to reduce his workload, and, about the end of February, spoke to a counselor about dropping one of his courses, Economics 336Y. By this time, the date for dropping courses had passed, and the appellant was advised that he would have to petition if the course was to be dropped without academic penalty. The appellant did not petition. He states that he considered doing so, but, having petitioned or appealed in various matters on previous occasions, he knew that this was a "draining" and time-consuming process which at this time he was not prepared to undertake. In fact, it was in this course that he obtained his lowest mark in the Session. It is agreed that, if this course were excluded from the Sessional result, his Sessional GPA would have been exactly 1.7, and the refusal of further registration would not have occurred. It would occur automatically, given his cumulative GPA, in any future session in which he dropped below a Sessional 1.7 GPA.

The argument addressed to us was that we should treat this appeal as, in effect, a petition to allow retroactive withdrawal, without academic penalty, from Economics 336Y, and thereby, as a necessary consequence, cause the lifting of the "refused further registration" status. As Dean Horton suggested in her submissions to this Committee, had the appellant in fact petitioned for permission to drop a course before the marks were known, the petition may well have been granted, given the circumstances. As she also argued, and this Committee agrees, this is greatly different from waiting until the marks are in hand, and then seeking to drop the course with the worst result. The appellant was aware of the necessity for petitioning for permission to withdraw from a course late, and deliberately took his chances on his results.

After considering the evidence, including the record of the appellant, we believe that, for the reasons given by the Academic Appeals Board, the decision of that Board, which is appended to this Report², was correct. This appeal is dismissed.

Ms Susan Girard
Acting-Secretary

Professor Ralph Scane
Acting Chairman

February 14, 1996

¹ **Editor's Note:** See Report Number 165 of the Academic Appeals Committee.

² **Editor's Note:** The Decision that was appended to the original Report is no longer available.