

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

REPORT NUMBER 213 OF THE ACADEMIC APPEALS COMMITTEE

August 8, 1996

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Thursday, August 8, 1996, at which the following were present:

Before: Ms Bonnie Croll, Acting Chairman
Professor Ethel Auster
Mr. Eric Brock
Professor Mary Chipman
Professor Emmet Robbins

In attendance: Mr. S.N., the appellant
Mr. Benson Cowan, for the appellant
Professor Ian McDonald, Assistant Dean for Students, for Scarborough College

Your Committee considered an appeal by Mr. S.N., the Appellant, from a decision of the Sub-committee on Academic Appeals of Scarborough College dated February 5, 1996. The Sub-committee dismissed an appeal from a decision of the Sub-committee on Standing of the Office of the Registrar of Scarborough College which denied the recalculation of the Appellant's final grade in the 1994 Winter Session course MATA26Y and denied the Appellant's request for a deferral of suspension.

Facts

In the 1994 Winter Session the Appellant had a sessional grade point average of 1.47. Since he had been suspended for one year during the 1993 Winter Session for failing to maintain a GPA of 1.60 or better and since he was on academic probation during the 1994 Winter Session, his failure to achieve a sessional GPA of 1.60 or higher in the 1994 Winter Session resulted in his being suspended from registration in Scarborough College for three years. On July 13, 1995, the Appellant submitted a petition to the Sub-committee on Standing requesting that his final grade in MATA26Y be recalculated and that his suspension be deferred. As the grounds for this petition, he cited a knee injury incurred in October 1993 that required surgery. On February 14, 1995, he re-injured the knee, which caused pain and inflammation. He could not walk for approximately one week and missed over two weeks of

Report Number 213 of the Academic Appeals Committee

classes and tutorials. In his petition, the Appellant requested that the grades from three tutorials that he missed during the period of his injury be omitted from the calculation of his final grade. He further requested that he be allowed, if necessary, to rewrite the final examination because, in his words, "The anxiety I felt was real and definitely (sic) interfered with my ability to concentrate". His petition was supported by a medical certificate from Dr. Christine Young, dated July 6, 1995.

The Appellant bases his argument for relief from this Committee on two main points:

- a) that the Sub-committee on Standing and the Sub-committee on Academic Appeals applied an improper test in denying his request for waiver of the 3-year suspension; and
- b) that the purpose of the suspension has been met and that it is in the interests of the Appellant and not adverse to the interests of the University of Toronto that the remaining 2 years of the suspension be waived.

We will address these points in turn.

(a)

The Appellant submits that the proper test to be applied in cases such as his, of illness or injury, is a different test than the one to be applied where relief is sought because of exigent personal circumstances. The record indicates that the Sub-committee on Standing denied the Appellant's petition on the grounds that he failed to show that there were extenuating circumstances beyond his control, that the circumstances could not have been anticipated or overcome, that they seriously affected his studies and that they occurred at a time when it was not possible to remedy the situation by action, such as a reduction in course load. The proper test in the case of illness, according to the Appellant, is a two-step test:

- i) the student must demonstrate that the illness or injury is serious enough to have interfered with the student's ability to meet the academic requirements and
- ii) the student must demonstrate that he or she was otherwise capable of meeting the academic requirements.

Even if the proper test is the one put forth by the Appellant, and the Committee is not making a determination on this point, it is the view of the Committee that the Appellant has not satisfied the test on which he wishes the Committee to rely. While the Committee appreciates that an injury of the type suffered by the Appellant is a serious and painful one, the medical evidence presented in the form of a letter from Dr. Christine Young dated July 6, 1995 and included as Exhibit "C" in the Appellant's Statement of Appeal, does not offer strong insight or information as to the extent to which the injury interfered with the Appellant's academic program.

Report Number 213 of the Academic Appeals Committee

Again, however, even if the Committee accepts that the Appellant has satisfied the first requirement of the test which he submits the Committee should apply, the Committee is not satisfied that the Appellant has met the second arm of the test, namely that he was otherwise capable of meeting the academic requirements. A review of the Appellant's academic record indicates that he has struggled with the academic program since the commencement of his program at the University of Toronto in 1991. As stated above, after being placed on academic probation for the 1992 academic year, the Appellant was suspended for one year after the 1992 academic year, and subsequently suspended for 3 years after he had returned for the 1994 academic year. The imposition of the academic probation and one-year suspension predated the 1995 re-injury of his knee, the precipitating factor in this appeal. There is nothing in the Appellant's academic record or material which persuades the Committee that save for the injured knee, and the effect it had on the Appellant's most recent performance, that he would otherwise have been able to meet the academic requirements.

The course which is at the crux of the Appellant's original petition, and therefore, of this appeal, is MATA26Y. The Appellant failed this course in the 1991 academic year and the Appellant had requested that his mark in the same course be recalculated for the 1994 academic year because of the problems associated with his knee injury. The breakdown of tutorial marks in this course lead the Committee to conclude that the second arm of the test being put forth by the Appellant has not been satisfied. Although there are two marks of 100 and one of 90 for the period prior to the re-injury, there are also four marks in the range of 35 to 55. Indeed, it was suggested by one member of the Committee that the high marks may be as a result of this being the second time the Appellant has taken the course. The Committee also takes notice of the fact that in CHMA02Y General Chemistry and in MGTAO2Y, the Appellant's record showed improvement in the second term. While this improvement is commendable, and to be encouraged, when considered with the Appellant's record as a whole, it is still insufficient to satisfy the second arm of the test the Appellant wishes the Committee to apply.

(b)

We will now turn to the Appellant's submission that the purpose of the suspension has been met, and that accordingly, the two years of suspension remaining should be waived. The purpose of a suspension is set out in Report No. 139 of the Academic Appeals Committee dated February 6, 1991 and included as part of the Appellant's Statement of Appeal. Report No. 139 provides among other things, that the purpose of a suspension is to allow a student to spend time in introspection, thinking about his or her goals and whether his or her course of action needs adjustment.

The Committee takes notice of the fact that the Appellant has apparently been able to address some of the familial and personal problems which he states have contributed to his poor academic record in the past. While the Committee is sympathetic to the Appellant's situation and is pleased that the Appellant apparently has begun to resolve some of these stresses, as stated in Report Number 139 of the Academic Appeals Committee, sympathy alone cannot translate into the remedy sought. The Committee is not persuaded that the purpose of the suspension has, in fact, been met. One would expect that a student who has been placed under academic probation and a one-year suspension would have been very much aware of

Report Number 213 of the Academic Appeals Committee

the gravity of his situation and been extraordinarily diligent with his academic program in order to avoid the imposition of an even harsher three-year suspension. This was not so in the Appellant's case, and it is the view of the Committee that the suspension should run its course in order for the Appellant to complete his introspection and the readjustment of his goals. If this period is abridged, the Committee is concerned that the Appellant's return to Scarborough College will be premature. The Appellant must appreciate the seriousness of his record which was such that a 3-year suspension was imposed. In the Committee's view the 3-year period should be completed so that when the Appellant returns to Scarborough College he does so with the focus and dedication required to successfully meet the rigours of his program.

The Committee also disagreed with the Appellant's position that to waive the remaining 2 years of the suspension would be in no way adverse to the interests of Scarborough College or the University of Toronto. As stated at the hearing by Professor Ian McDonald, Assistant Dean of Student Services at Scarborough College, Scarborough College and the University of Toronto have high standards which must be maintained. Professor McDonald informed the Committee that the average student at Scarborough College has a cumulative GPA of about 2.0, well above the levels the Appellant has attained while at Scarborough College. As well, admissions standards are extremely competitive, and spaces limited. As a general matter, Scarborough College and the University of Toronto are seeking highly qualified and competent students and to date, the Appellant does not fit into that category. Finally, it must be recognized that the administrative costs associated with the different levels of appeal are not in the interests of Scarborough College or of the University of Toronto as a whole. Although the Committee is hopeful that the Appellant will return to the promise he showed as a high school student and return to successfully complete his program at Scarborough College, it is the view of the Committee that the originally imposed period of suspension should not be altered.

DECISION

The appeal is dismissed.

Rosanne Lopers-Sweetman
Secretary

Assistant Dean Bonnie Croll
Acting Chairman

August 8, 1996