

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

REPORT NUMBER 236 OF THE ACADEMIC APPEALS COMMITTEE

October 30, 1998

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Friday, October 30, 1998, at which the following were present:

Professor Emeritus Ralph Scane, Acting Chair
Mrs. Margo Coleman
Professor Catherine Grise
Professor John Mayhall
Ms Deborah Walks

Ms Susan Girard, Acting Secretary, Academic Appeals Committee

In Attendance:

Mr. M.M., the Appellant
Mrs. L.M.

Professor Lori Anne Dolloff, Faculty of Music

Your Committee considered an appeal from the Academic Appeals Committee of the Faculty of Music, dated July 29, 1998, dismissing an appeal from the decision of the Board of Review of the Faculty, dated May 25, 1998, suspending the student for a period of one year, following the student's failure of the First Year of the B.Mus. programme in Jazz performance.

To receive standing in a year, a student must attain an overall average of 60%. In this case, the student failed two courses, CSC104S and JMU101Y, the first with a very low mark indeed. The remaining courses were passed, but not with sufficiently high marks to bring the average to the required level. The student accordingly failed, and, according to the Faculty's regulations, is required to reapply for admission to the First Year. Although the published regulations in the Calendar do not make this clear, a student who has failed and been granted readmission is not required to repeat courses passed in the year in which the failure took place, but may take courses in the Second Year programme while redoing failed courses or, in the case of courses offered outside the Faculty, equivalent courses. In

Report Number 236 of the Academic Appeals Committee

addition, the Calendar provides that students whose attendance or work is deemed unsatisfactory may be suspended from registration for up to two years by the Faculty, and must then reapply for admission. The Board of Review imposed the suspension under this latter provision.

Before this Committee, the student frankly admitted blame for failing to deal with the programme with the dedication required. He offered two reasons in possible mitigation of his own responsibility for his present situation. Only one of these was placed before the Faculty Academic Appeals Committee.

The course within the Faculty which was failed, JMU101Y, was a course in Jazz ear training. The student established that he suffered some hearing deficiency in one ear. The Faculty Committee considered this evidence, but decided that this would not affect meeting the requirements of the course. This is a matter in which the opinion of other musicians is particularly cogent, and this Committee defers to that opinion.

The other matter raised by the student in possible extenuation of his lack of adequate performance is a condition of depression attributed to the long-term poor health of his father, stemming from a vascular incident many years ago. During the 1997-98 academic year there was further deterioration of this condition, although this Committee does not understand that there was a sudden or dramatic change. However, the student found himself seriously affected by his father's condition, particularly as he was living away from home and his family "support system", and sees himself as using indifference and denial to cope with his depressed state. Your Committee found the student to be credible in his evidence on this matter.

Your Committee has said on previous occasions that it will not necessarily have regard to evidence which might have been placed before appeal committees at a lower level for their consideration. It will only do so if the appealing student offers some acceptable explanation of the failure to adduce it earlier. Here, the student did not realize its possible relevance until his doctor raised the issue of a medical condition of depression as affecting the student's performance after hearing of the suspension of the student. The Committee is prepared to accept this explanation and consider the evidence in arriving at its decision.

Your Committee concludes that it should exercise its discretion in favour of the student, on the basis of the additional evidence and its own appraisal of the student.

Accordingly, the appeal is allowed and the one-year suspension imposed by the Board of Review is lifted. The student is entitled to apply immediately for readmission to the Faculty. Under the Faculty's rules, a student who fails First Year, whether or not a suspension has been imposed in addition, "must reapply for admission and will be considered with other first-year applicants; readmission is not automatic." Clearly, in the circumstances of this case, it is not feasible to reconsider the student in the context of the current year's pool of applicants. Given the Committee's decision to lift the suspension, it would be unjust to make the student wait until next year's pool is formed and assessed, to

Report Number 236 of the Academic Appeals Committee

find if he will be readmitted. If the student is considered for admission by the Faculty on his own, the nature of the admissions decision will change, and become perilously close to the type of decision which this Committee was required to make in this matter.

Accordingly,

Your Committee believes that this is a rare case where it should direct that the student be readmitted.

There will be some problems to be resolved by the student and the Faculty. The Committee recognizes that at this point in the academic year, it may not be possible to offer the student the programme which would have been possible had the student been in a position to reapply and had been accepted at the beginning of this academic year, or even to offer the student a full programme at all. Given the fact that the student will be on probation, it may even be unwise to attempt to overextend him. Your Committee is confident that, if the student is readmitted, the Faculty of Music will act in the utmost good faith to assist the student to develop a programme which is feasible from the point of view of the Faculty's resources and commitments, and which gives the student a reasonable opportunity to demonstrate a capacity to meet the Faculty's standards and, if successful in that, to progress to his degree as quickly as possible given this interruption.

Susan Girard
Acting Secretary

Ralph Scane
Acting Chairman

October 30, 1998