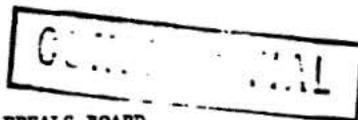


UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL



REPORT NUMBER 71 OF THE ACADEMIC APPEALS BOARD

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a meeting on
Tuesday, October 27th at 4:00 p.m. in the Croft Chapter House, University
College at which the following were present:

Mr. Robert J. Aiello
Professor Margaret C. Cahoon
Professor J.T. Mayhall
Professor John R. Percy

Mrs. Joan R. Randall
Principal Peter Silcox
Professor Victor G. Smith
Ms. Christine M. Vercoe
Miss M. Salter, Secretary

In Attendance:

Mr. P.
Ms. H.
and counsel
Miss Faith Slater
The Community and Legal
Aid Services Programme
Osgoode Hall Law School

Professor T.T. Tidwell
Associate Dean (Academic)
Scarborough College

THE MEETING WAS HELD IN CLOSED SESSION

THE FOLLOWING ITEMS ARE REPORTED FOR INFORMATION

1. Mr. P.

At a meeting on October 27, 1981 the Academic Appeals Board heard the appeal of Mr. P. a first year student, from a decision of the Sub-committee on Academic Appeals of Scarborough College dismissing his appeal from a decision of the Sub-committee on Standing that the appellant should be suspended for one year. The decision of the Board is that the appeal should be dismissed.

The appellant had been admitted to the University in accordance with the policy of offering "early final admission" based on interim Grade 13 marks. Under this policy final Grade 13 marks became part of the admission record and the university has the right to withdraw the offer of admission at any time if the student fails to complete the Grade 13 year satisfactorily. The appellant was so informed. In fact, the appellant failed to complete his year satisfactorily, his interim average falling from 63.8% to 58.5%. Nevertheless he registered and began the year. This he was able to do because the University did not know his final marks.

Final marks reach the University in several ways. Although not required to do so, some students who have received early final admission pursue with the University the matter of the adequacy of their grades so that in the event they do not meet university requirements, summer courses may be taken to remedy the situation. The appellant did not do this and so the University did not learn his marks from him. Schools are requested to advise the University when final marks do not continue to meet admission requirements. The appellant's school did not do this. Ultimately, final marks reach the University from the Ministry of Education but it is not until October that the University is able to identify the problem cases. This is the way the appellant's situation came to light and he was asked in October to see the Director of Admissions who informed him that his admission might be withdrawn but this was a decision to be made by the College.

The Office of Admissions evidently failed to communicate the appellant's grades to Scarborough until February at which time the College decided to allow the appellant to continue on the basis of a conditional admission rather than require him to withdraw. The regulation on conditional admissions as set out in the Scarborough calendar provides that "in certain circumstances,

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(Cont'd)

students who do not meet normal admission requirements may be admitted 'on condition'. The student on condition must achieve a grade point average of 1.70 or better or else be suspended for a year. The student regularly admitted needs a grade point average of only 1.50 and the consequence of falling below it in the first year is probation rather than suspension. On four courses the appellant achieved a grade point average of .84.

The appellant argued that the suspension should not be applied to him because during the course of the year he was under considerable emotional stress due to the fact that his girlfriend had broken off their relationship. Had this not occurred, he felt sure that he could have achieved the required grades. He requested that he be allowed to continue on probation. While the Board recognizes that such a situation is a distressing one and sympathizes with the appellant on this account, it could not agree that he would likely have succeeded but for this stress.

The College's position was that it is "normally willing to grant special consideration in cases of personal distress only when the student judges them to be of such severity that he/she seeks professional counsel." Appellant had sought no assistance. Before the Academic Appeals Board the appellant presented a letter from a physician who had seen the appellant on September 22, 1981 and on the basis of his story concluded that he had probably been under emotional stress and advised him to seek psychiatric assistance. Nevertheless the Board did not feel that this evidence measurably strengthened the argument that he could have succeeded but for his misfortune.

Thus, in the Board's view, there were no grounds for ignoring the rule that the appellant should be suspended for a year.

Appeal dismissed.2. Ms. H.

At a meeting on October 27, 1981 the Academic Appeals Board heard the appeal of MS H. against the decision of the Sub-committee on Academic Appeals of Scarborough College confirming the decision of the Subcommittee on Standing to impose a three-year suspension on the basis of the appellant's inadequate academic performance. The decision of the Board is that the appeal should be dismissed.

In the 1980-81 academic year the appellant was on probation, having returned from one year's suspension. This suspension had been imposed because the appellant, after two winter sessions and a summer session, had a cumulative grade point average of 1.01. To remain in good standing a student must have a grade point average of 1.50. A student is placed on probation if he or she fails to achieve that average after four full courses and is suspended if he or she still falls below 1.50 after two further courses.

In 1980-81 when the appellant returned on probation, the task she faced was either to raise her cumulative grade point average to 1.50 to clear her probation, or achieve a sessional grade point average of 2.00 which would have allowed her to continue on probation. The appellant achieved a sessional grade point average of 1.68 and a cumulative grade point average of 1.23. The regulations called for her suspension for three years.

According to her transcript, the appellant enrolled in four full-term courses and two full-year courses in September of 1980. During the term she became pregnant and as a result of difficulties in the early stages of her pregnancy was unable to attend lectures for a substantial period of time. In December she petitioned to be allowed to do make-up examinations in three of the fall-term courses and to complete her term work in the fourth. This petition was granted. At the same time it was drawn to the appellant's attention that she had taken more courses in the first term than the rules allowed for students on probation. She was advised to follow the rule, which is designed to prevent the student from carrying too heavy a load, in the second term.

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In the second term the appellant added three spring-term courses to her two full-year courses so that with the three make-up examinations, she had eight final examinations to write in the second term. In February the appellant was advised not to allow the first-term courses to interfere with her concentration on her spring term work. Nevertheless she persevered because she was intent on graduating in 1981 and would have had enough courses to do so if she had been successful in all of them and had achieved the requisite grade point average. However, she got a D and an E in two of her spring-term courses and a D and an E in two of her fall-term courses. She obtained C+'s in her full year courses, a C in her other spring term course, and a C and a B- in the remaining two fall-term courses.

Thus she neither achieved the requisite grade point average nor the number of courses necessary to graduate.

The appellant petitioned to be allowed to withdraw from the four courses in which she had got the lowest marks- two spring and two Fall courses - and to have her suspension deferred. Several arguments were advanced on her behalf in most persuasive fashion by her counsel, Miss Faith Slater. The first was that the appellant's academic record for the years 1977-79, in regard to which a one-year suspension has already been imposed, should not be a factor in determining the merits of the present appeal. Rather, it was argued, the Board should be influenced by the fact that the appellant's performance in 1980-81 was significantly better than it had been in earlier years. This argument evoked some sympathy since the appellant had already suffered consequences for her earlier performance. However, the rule that the appellant must improve her overall performance to a particular standard is clear and the Board has no authority to ignore it.

The second argument was that the appellant could have done considerably better but for her advanced state of pregnancy during the spring of 1981. While this may be the case it is also true that she could have done better if she had not undertaken such a load, particularly in her state of health. This undertaking constituted a serious error in judgment. The Board draws a distinction between illness that unexpectedly overtakes a student at a crucial time - usually examination time - preventing the fulfilment of an otherwise manageable requirement, and a known condition affecting the student's capacity which can be taken into account in determining the load to be undertaken. In the latter situation the student's difficulties can be attributed to the error in judgment for which the student must be responsible.

The college's rules and the college's advice attempted to restrain the appellant from undertaking an unmanageable programme. But there is a limit to how far the college can go in supervising the highly individual programmes of a large number of students and in protecting them from their mistakes without the burden on the college becoming impossible.

There is a connection between the second and third arguments advanced on behalf of the appellant because the third one related to the reasons for the decision to undertake such a load. It was submitted that the appellant was under such strong family and cultural pressures that she was unable to make an independent decision and should not be held entirely responsible for pursuing her ill advised course of action. While the Board recognizes that pressures to succeed may vary on the basis of cultural or family background, the Board does not see how it can formulate a rule which holds that responsibility for one's mistakes at the university level will vary according to family or cultural background.

Thus, the Board sympathizes with the circumstances in which the appellant finds herself, but sees no basis upon which to grant relief.

Appeal dismissed.

Secretary
November 24th, 1981

Chairman

