

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

Report #341 of the Academic Appeals Committee
July 20, 2010

The Academic Appeals Committee reports that it held a hearing on Monday, June 21, 2010, at which the following were present:

Assistant Dean Kate Hilton, Chair
Professor Ellen Hodnett
Dr. Chris Koenig-Woodyard
Professor Louise Lemieux-Charles
Mr. Ken Davy

Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances

Mr. M. F., the Student, not in attendance

This appeal was conducted on the basis of documentary evidence only. There were no parties present.

I. The Appeal

The Student is appealing the decision of the UTSC Subcommittee on Academic Appeals dated March 13, 2009, denying him an extension of time to pay his fees to write a deferred examination in the Fall 2008 course ECMC32H.

II. Facts

The Student commenced his studies at UTSC in the Fall 2005 session. Since that time, the Student has maintained continuous enrolment in his program, and has remained in good academic standing. As of the date of this appeal, the Student has completed 14 credits towards his degree.

In the Fall 2008 session, the Student enrolled in ECMC32H3. However, he did not write the final exam in the course, and subsequently petitioned to write a deferred exam during the April 2009 exam period. On January 8, 2009, the Student was advised, via e-service (a web-based email service run by the University), that his petition was successful, and that he was required to pay the \$70.00 deferred examination fee "immediately and not later than 2009-01-16". Records provided by the University's web manager indicate that the Student accessed the e-service site on January 8, several hours after the notice was posted.

The Student did not pay the deferred examination fee prior to the January 16 deadline.

On January 20, a second notice was posted on e-service, informing the Student that his payment was overdue and that the payment deadline had been extended until January 22, 2009. The notice stated that his deferred exam would be cancelled if payment was not received by the extended deadline.

On Wednesday, January 21, the UTSC Registrar's Office phoned the Student's home and left a voicemail message reminding him of the new payment deadline.

The Student did not submit payment prior to January 22, 2009. His deferred exam was cancelled and his original failing grade in the course was reinstated.

III. Previous Decisions

On February 15, 2009, the Student renewed his request for a deferred exam. On February 17, 2009, the Registrar's Office advised the Student that his request was denied, on the basis that he had failed to make his deferred examination payment by the extended deadline of January 22, 2009.

On February 19, 2009, the Student appealed the denial of his petition to the UTSC Subcommittee on Academic Appeals. The Student argued that he had not received the email or voicemail communications from the Registrar's Office. He stated that he had failed to read the email and that his parents had failed to pass along the voicemail message. The Subcommittee denied the appeal. In its decision, dated March 12, 2009, the Subcommittee wrote the following:

The committee felt that you should have been proactive in paying your fees. As soon as you initiated the deferral, you knew that these fees would be due. The information about deadlines was posted on the Registrar's web site and it could have been accessed at any time. The committee agreed with your final self-assessment: the failure was your own fault, and there were no reasonable grounds on which to grant your appeal.

On June 7, 2009, the Student appealed to the Academic Appeals Committee of the Governing Council.

IV. Decision

UTSC policy clearly states that students seeking to write deferred examinations are required to pay a fee by a specific deadline. These deadlines are clearly set out, as are the consequences of failure to pay by the deadline. Moreover, students are permitted to pay by a variety of methods, both in person and online.

This Committee is of the view that the Student knew or ought to have known about the required fee and the deadline for payment. This Committee believes that the Registrar's Office took all appropriate steps to notify the Student and cannot be held responsible for the Student's failure to check messages relating to a process which he initiated. In the materials submitted before this Committee, the Student offered a slightly different account of his failure to pay, stating that he

had, in fact, opened the original notice on January 8, and had attempted to pay the money owed, but that the electronic payment button was not working at the time. However, this Committee believes that the Student's attempt to pay electronically was insufficient and that he had an obligation to make the \$70.00 payment before the deadline elapsed, either by re-attempting an electronic payment or by visiting the Registrar's Office to make the payment in person. This Committee agrees with the UTSC Subcommittee that the student's failure to complete the payment was entirely his own. Since it is clear that the UTSC policy on deferred examinations was applied fairly in this case, there is no basis for allowing the appeal.

However, this Committee wishes to note that it was left with some reservations about the UTSC policy on deferred examinations, which struck us as unduly harsh. While it is outside the scope of our jurisdiction to assess the validity of the deferred examination policy, this Committee invites the division to consider whether the penalty required by this policy (cancellation of the deferred examination and reinstatement of the failing grade) is proportionate to the offence (failure to pay a \$70.00 fee by the required deadline).

The appeal is denied.