

THE UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 337 OF THE ACADEMIC APPEALS COMMITTEE

October 10, 2009

To the Academic Board
University of Toronto.

Your Committee reports that it held a hearing on Thursday, September 3, 2009, at which the following members were present:

Professor L. Sossin (Chair)
Mr. Adam Heller
Professor Ellen Hodnett
Dr. Chris Koenig-Woodyard
Mr. Gregory West

Secretary: Mr. Louis Charpentier

Appearances:

For the Student Appellant:

Mr. A.H. (the Student)

For the University of Toronto at Mississauga:

Professor Gordon Anderson

This is an appeal from a decision of the Academic Appeals Board ("AAB") of the University of Toronto at Mississauga ("UTM") dated November 12, 2008, which refused to allow the Student permission to withdraw without penalty from STA220H5 and PSY320H5 20071.

The Student suffers from hypothyroidism ("Graves Disease") and received a range of accommodations to deal with the serious consequences of this medical condition, for which the Student provided substantial medical documentation.

The Student believes his medical condition, compounded by anxiety, led to his poor performance in the exam for PSY320H5 and his decision not to write the exam in STA220H5 scheduled for the next day. The Student asserts that these factors were outside of his control and justify the remedy he is seeking.

The AAB took no issue with either the existence or the seriousness of the Student's medical condition. In its decision, the AAB provided three reasons for its decision not to grant the Student's petition:

1. On the basis of your presentation at the meeting and your overall academic record, the members of the Board decided that you did not have a compelling case for an exemption from the University regulations that apply to all students.
2. You have had a history of deferring exams and withdrawing from courses, and you had previously been warned by the Office of the Registrar that you would be responsible for observing deadlines.
3. The Board strongly recommends that you obtain help from Mississauga's Robert Gillespie Academic Skills Centre ... regarding the development of your academic skills.

In its written submissions before this Committee, the AAB offered the following reasons for deciding not to grant the petition:

The committee felt it could not grant the petition on the following grounds. Ahmed was familiar with the drop process, he had been warned to meet deadlines in an orderly fashion, had plenty of evidence throughout the term that he should drop the courses in a timely fashion and was well aware that his illness was impeding his progress.

This Committee agrees with this conclusion reached by the AAB. While the Student's belief that he should have been permitted the late withdrawal based on his situation is rooted in a clearly established medical record, the academic record makes clear that UTM had accommodated the Student in the past, and would have been prepared to do so again in the context of the courses appealed from, had the Student requested the relief in a timely fashion. There is no indication that UTM treated the Student unfairly.

The Student's own account of his performance confirms that his situation impaired his ability to keep up with the course work in these courses. The difficulties the Student experienced, in other words, were persistent throughout the term and did not arise only after the deadline for late withdrawal (for example, the Student indicates that he had missed five of the seven assignments in PSY320H5). There is no indication in this case that the Student was unable to seek relief prior to the deadline for withdrawal without penalty.

For these reasons, the appeal is dismissed.