

THE UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL
REPORT #331 OF THE ACADEMIC APPEALS COMMITTEE

April 1, 2009

Your Committee reports that it held a hearing on Thursday March 12, 2009, at which the following members were present:

Professor Emeritus Ralph Scane (Senior Chair)
Professor Ellen Hodnett
Professor Chris Koenig-Woodyard
Ms. Anna Okorokov
Mr. John Stewart

Secretary:

Ms. Mette Mai

In Attendance:

For the Student Appellant:

Mr. D. S. (the Student)
Ms. A. S.

For the University of Toronto at Scarborough:

Vice-Dean Professor John Scherk

This is an appeal from the decision of the Subcommittee on Academic Appeals of the University of Toronto at Scarborough (UTSC), dated March 31, 2008, which dismissed an appeal from the decision on the Student's petition, dated January 9, 2008. The latter decision refused a request to grant a late withdrawal without academic penalty in the courses POLB90H3F, POL80H3F, IDSB07H3F and EESA07H3F, taken in the Fall Term of 2007.

The Academic Background

The Student first enrolled at UTSC in the Fall Term of 2005, as a candidate for the Honours B.A. He accumulated 5.5 credits by the end of the 2006 Summer Term, and at the end of that term was in good standing. However, by the end of the 2006 Fall Term, his performance had deteriorated, and he was placed on academic probation. Following the 2007 Winter Term, his performance had continued to deteriorate, and he was suspended for four months. He returned for the 2007 Fall Term, when he enrolled in the four courses referred to above, which are the subject of this appeal. He failed each of these courses, and was then suspended for twelve months. That suspension has been served, and the Student has returned to his program and is currently enrolled at UTSC, on probation.

The Personal Background

The Student is a member of a family of European roots which immigrated into Canada in 1985. In Canada, the family was tightly knit, and an aunt of the Student was a core member, described by the Student and his sister, who assisted him on this appeal, as the “glue” who held the family units together. This aunt was diagnosed with cancer in about October, 2005. The Student was not made aware of the condition, and of its terminal nature, until October 2006. The Student attributes his deteriorating performance in 2006 and the Winter Term of 2007 to the stresses he was undergoing due to his concern over his aunt. The stress that the Student was suffering as a result of the Aunt’s deteriorating condition was the principal basis of this appeal. The Aunt died at the beginning of September, 2007, adding to the adverse effect upon him in the following term.

The Student stated that he found himself unable to concentrate or organize his mind to write essays or study his courses. He obtained very low marks in the first set of tests and papers returned to him in his courses. Nevertheless, he hoped that he could recover and pass the courses by the end of the term.

In August, 2008, the Student commenced seeing a psychiatrist, who diagnosed him as suffering from a depressive illness (Dysthymic Disorder) as well as Generalized Anxiety Disorder. Unfortunately, the medical report submitted to us is of limited assistance. It does not express an opinion as to how long the condition had existed, the effect it would be expected to have on his academic performance, and whether the condition might have significantly worsened after the drop date in November, 2007, that is, the date by which to withdraw from courses without academic penalty. The Student did not seek counselling or help, either medically or from faculty, during the Fall Term of 2007, although one course instructor had offered assistance. The Student explained that his parents were very strict about keeping problems within the family and that he had accepted their attitude.

Decision

Your Committee accepts that the Student was seriously affected by his aunt's death at the beginning of the Fall Term of 2007, and that this exacerbated the medical condition which it is prepared to assume existed during the term. The Student's academic performance was probably adversely affected by these factors. However, such a finding is not a sufficient basis to permit the revision of the academic transcript by permitting a late withdrawal from the courses in issue without academic penalty, thereby removing the failures from his record, and also removing the effect of those grades upon his Cumulative GPA. Previous panels of your Committee have repeatedly held that, absent some change of circumstances after the drop date for courses, a student must accept the consequences of his or her decision to continue with a course past that date, notwithstanding any debilitating factors which may be affecting the Student. The University will not allow a student a free gamble that he or she will surmount the debilitating factor and pass the course or courses, with the chance that late withdrawal may be permitted if the gamble fails. That is exactly what happened here. The Student was well aware from the beginning of the term that he was performing badly. He did not know his technical medical condition, but he was well aware that he was severely stressed, to use his own description of his condition, and your Committee does not believe that he had any reasonable expectation that his condition would significantly alleviate during the balance of the term. His state after the drop date was unchanged from what it had been before that date. He stated, both in his testimony and his argument that, even after receiving the poor marks in his early results, they represented only a proportion of the final mark and he thought he could improve sufficiently to pass. He was well aware that he was in difficulty academically. He had been on academic probation, and had undergone a four month suspension. In the circumstances, his decision not to drop the courses by the required date was a dangerous gamble on his part, and unfortunately it did not succeed.

The appeal is dismissed.