

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

REPORT NUMBER 278 OF THE ACADEMIC APPEALS COMMITTEE

March 14, 2003

To the Academic Board,
University of Toronto

Your Committee reports that it held a hearing on March 14, 2003, at which the following were present:

Assistant Dean Jane Kidner, Chair
Professor John Furedy
Professor Ellen Hodnett
Professor John Wedge
Mr. Josh Paterson

Secretary: Mr. Paul Holmes, Judicial Affairs Officer

The following were in attendance:

For the Appellant:

Ms. S.D., the Appellant (“the Student”)

For the University of Toronto at Mississauga:

Professor Gordon Anderson

This is an appeal from the decision of the Academic Appeals Board of the University of Toronto at Mississauga (UTM) dated March 23, 2001, denying an appeal from the decision of the Committee on Standing dated December 11, 2000. The latter decision denied a petition by the Student for late withdrawal from PHL273H5 without academic penalty.

Background:

The Student enrolled in the Faculty of Arts and Science at UTM in the Fall of 1991. From 1991 to 2000, the Student enrolled in number of courses at UTM, and during that time was placed on academic probation for poor academic performance several times, and was placed on suspension on more than one occasion. The Student was also granted late withdrawal from nine courses during that time. In 2001 the Student’s cumulative

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GPA dropped to 1.34, and as a result the Student was refused further registration at the university. If she is successful in this appeal, such that the grade of F in PHL273H5 is removed from her transcript, the Student will be permitted to continue at the university and attempt to complete her degree.

The Facts:

In the Fall of 2000 the student enrolled in two half courses including PHL273H5. The last date for dropping this course without academic penalty was November 5, 2000.

In late September 2000 the Student's father suffered a serious heart attack and was admitted to hospital. The Student left school immediately and returned to New Brunswick where her parents lived and where her father was in the hospital. The Student stayed in New Brunswick for one month to be with her father and assist her mother while her father was recovering. During her month absence from school, it was the Student's intention to keep up with her schoolwork and to resume her classes when she was able to return to school. The Student arranged with her professors to have her assignments sent to her by e-mail.

The Student returned to UTM in late October 2000. At that time she was well behind in her schoolwork having been away from classes for a month. The Student testified that she decided to drop PHL273H5, and continue on with her second half course, which she ultimately passed. The Student admitted that she was not aware of the precise date for dropping a course without academic penalty.

On November 5, 2000 the Student logged onto the student web service of ROSI at approximately 5:30 pm. The Student testified that her intention was to drop PHL273H5, but that her attempt to drop the course was denied as a result of a system failure. The Student testified that the electronic message she received was "access denied – see the Registrar". The Student testified that she made one or two more attempts that evening to log onto ROSI to drop PHL273H5, but all attempts were similarly denied. The Student was not able to recall the precise time of subsequent attempts. The Student testified that as a result of being denied access to ROSI on November 5th, she assumed incorrectly that she had missed the course drop date. Nevertheless, the Student testified that she also attempted to drop PHL273H5 on the evening of November 5th using the student telephone service of ROSI, but was not able to do so because the lines were consistently busy.

On the following day, November 6, 2000, the Student attended the Registrar's office in person in order to drop PHL273H5, and was told by the Registrar that she had to file a petition to drop the course, which she did do.

According to Professor Anderson's testimony, UTM's system records confirm that the Student did in fact log onto ROSI at approximately 5:30 pm on November 5, 2000 and again a few minutes later, but that the Student took no further action and made no "transactions". Professor Anderson further testified that he was not aware of any existing

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problems with the server on November 5th that would have prevented the Student from accessing the system to the drop a course. However, Professor Anderson did not provide the Committee with any documentation in support of his case. Further, Professor Anderson was unable to tell the Committee whether the deadline for course withdrawal on November 5th was 5:00 pm (the time that the Registrar's office closes) or 12:00 am (midnight). Therefore the Committee had no evidence before it to explain why the Student may have been denied access to ROSI to drop PHL273H5 on November 5th other than a system failure.

Decision:

It is clear from previous decisions of your Committee that permission for late withdrawal without academic penalty will only be granted in exceptional circumstances. In this case the Committee had only a minimal amount of evidence on which to base its decision. The Student provided medical records showing that her father had suffered a serious heart attack. She also provided copies of e-mails with her professor showing that it had been her original intention to try to keep up with her schoolwork while she was away for the month. The student's oral testimony was that she attempted to drop the course on November 5th (the deadline for course withdrawal) using ROSI. Her oral testimony was supported (in part) by the oral testimony of Professor Anderson who agreed that ROSI records confirmed the student had logged onto the system the evening of November 5th.

Documentation filed by UTM in support of its case amounted to one typewritten page setting out the decision of the Academic Appeals Committee of UTM. No further evidence was provided by UTM to support its case. In particular, UTM failed to provide any evidence in support of its position that while the Student may have logged onto ROSI on November 5th, she did not do so in an attempt to drop the course. In particular, UTM failed to provide ROSI records for November 5th which would have shown the following: whether the system was operational that evening, how many times and at what time of day the Student made attempts to log onto ROSI, what electronic message the Student received, and what the precise deadline was for dropping a course (5:00 pm or 12:00 midnight).

The Committee finds that where the Student's academic record and career are at stake, there is an onus upon the university to provide evidence in support of its case, particularly where the very issue to be decided is whether or not the university's own system to allow students to drop a course had failed. It would not be fair to penalize a student as a result of the failure of the university's computer system.

In the absence of documentation from UTM in support of its case, the Committee accepts the Student's testimony that she made several attempts to drop the course on November 5, 2000, but was prevented from doing so because of a system failure. Given her attempts, the Committee finds that the Student demonstrated due diligence in attempting to withdraw from the course within the deadline for course withdrawal.

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The appeal is allowed.

April 15, 2003

Paul Holmes
Secretary

Jane Kidner
Chair

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