

**UNIVERSITY OF TORONTO**  
**THE GOVERNING COUNCIL**

**REPORT NUMBER 206 OF THE ACADEMIC APPEALS COMMITTEE**

**February 21, 1996**

To the Academic Board,  
University of Toronto.

Your Committee reports that it held a hearing on Wednesday, February 21, 1996, at 2:00 p.m. in the Flavelle Room, Faculty of Law, 78 Queen's Park Crescent, at which the following were present:

Before:           Professor Alan Mewett, Acting Chairman  
                  Professor Barry Brown  
                  Mr. Brian Burchell  
                  Mr. Earl Dumitru  
                  Professor Donald Galbraith

Ms Rosanne Lopers-Sweetman, Secretary

In attendance: Mr. K.S., the appellant  
                  Ms Marie Gerrard, Scarborough College

The student appeals the decision of the College's Sub-committee on Standing, affirmed by the Sub-committee on Academic Appeals, that he not be permitted to withdraw without academic penalty after the due date from the Winter Course MAT B41F.

The student was enrolled in that course in the Fall of 1994 and the posted last date for withdrawal was Friday, November 4. A term test was given to the students in that course on October 31 and the results were posted on November 4. The precise time of posting is not certain but both parties agree that "sometime in the early afternoon", about 3 p.m. is probable. Mr. K.S. complains that such late posting gave him no time to make an informed decision as to whether to withdraw or not. Even though the telephone service in the Registrar's Office was open until mid-night on that day, Mr. K.S. stated that he was unable to receive counseling on the matter and as a result, the deadline passed. Mr. K.S. was therefore required to remain in the course and write the final examination.

The grade in the course consisted of three components -- 10 weekly assignments (worth 20% of the grade), the term test (worth 35%) and the final examination (worth 45%). The student received 67% on the weekly assignments, 55% on the term test and 30% on the final for an overall mark of 46% and a grade of E.

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The student's complaint is based on three grounds:

- (1) the prescribed textbook was unavailable until some six weeks into the course and that fact, together with the fact that the final weekly assignment was one and a half times to twice the length of the others, made it difficult for him to prepare adequately for the final examination;
- (2) had he known of the results of the mid-term test before November 4th., he would have been able to make the informed decision to withdraw from the course as of right and
- (3) he was sick during the final examination [supporting medical evidence was provided] and that this should have been grounds to grant the late withdrawal.

(1) It was unfortunate that the textbook was not available to students until some appreciable time after the commencement of the course, but all students were in the same position. The text was available in the math aid room and the instructor and tutors were available for consultation by the students. Indeed, the results of the weekly tests given at the time when the text-book was not available for purchase would seem to indicate that this was not a great handicap to the student. On the first five assignments, Mr. K.S. received scores of 90, 70, 85, 65 and 70 and it was, in fact, only later, when the text was readily available that his work declined. The Committee is of the view that this did not unfairly affect Mr. K.S.'s position in the course.

(2) The College's Grading Practices Policy, printed in the College Calendar, provide:

At least one piece of term work which is part of the evaluation of a student's performance, whether essay, lab report, review, etc., shall be returned to the student prior to the last date for withdrawal from the course without academic penalty....

While it is true that the results of the mid-term test were not posted prior to the last date for withdrawal, the Policy does not state that they must be, only that "at least one piece of term work" must be. In fact, Mr. K.S. had already received the results of some of the weekly assignments well before the requisite date -- exactly how many is not clear, but apparently at least three of the weekly assignments would have been returned to him by then. The College Policy does not require that any specific piece of work be returned to the student prior to the required date and in the Committee's view, there is no substance to this complaint.

(3) In fact, the Sub-committee did take into consideration the fact that Mr. K.S. was sick during the time he wrote the final examination. While his petition for a late withdrawal was rejected, the Sub-committee did allow him to write a make-up examination in April 1995, an option which Mr. K.S. declined on the ground that preparing for such a make-up examination would have distracted him from his other studies and would have resulted in lower marks for the other courses he was taking.

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The Committee does have some concerns about certain aspects of this appeal. It is not clear from the record whether the College itself was aware of the trouble with the textbook not being readily available to students until well into the course. While the Committee does not feel that Mr. K.S. was unfairly treated in this particular case, it would urge instructors in courses where this occurs to inform the College authorities and to make every effort to adjust their courses to take this into consideration.

The second concern we have is that while the College's Grading Practices Policy is commendable in requiring some feed-back to be given to students before the last date for withdrawal without academic penalty, it is a little vague on what that feed-back should be. The Committee would prefer to see something rather more precise which gives the students at least some idea of how much feedback they should expect. In this particular case, the Committee calculated that Mr. K.S. received back work representing some 6% of the final grade before the due date and this seems to us to be about right. Whether the Policy should be amended to include a reference to some percentage (such as a minimum of 5% of the final mark) or merely a reference to a "substantial piece of work" is something the College may wish to consider.

The Committee does have some sympathy with the student's argument that it was unreasonable to expect him to prepare for a make-up examination to be taken in the week before the final examinations in his other courses and that this was not much of a relief given that the Sub-committee had accepted the validity of his medical reasons, as does this Committee.

### **DECISION**

The Committee cannot grant the relief the student seeks. In its opinion, the lateness of the posting of the mid-term results is irrelevant to this case. The unavailability of the textbook, the difficulties in securing counseling and advice and the length of the last assignment are not factors that go to granting the exceptional relief sought. The student was treated no differently from others. On the other hand, they are matters that tend to rouse some sympathy for the student in his particular circumstances and, when coupled with the fact that he was sick during the final examination and the fact that the relief granted by the Sub-committee was of a minimal nature, require us to attempt to adjust the remedy appropriately.

The decision of the Committee is that the appeal be allowed but the relief sought be rejected. Instead, the Committee has decided that the student should be given a special examination in MAT B41F to be written some time in August, 1996 on a date mutually satisfactory to both the College and the student, if the student wishes to avail himself of this opportunity, and that the mark received in that special examination should be substituted for the one presently recorded for this exam.

Rosanne Lopers-Sweetman  
Secretary

Professor Alan Mewett  
Acting Chairman

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