

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

REPORT NUMBER 242 OF THE ACADEMIC APPEALS COMMITTEE

March 23, 2000

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Thursday, March 23, 2000, at which the following were present:

Professor Emeritus Alan Mewett, Acting Chairman
Professor Christopher Barnes
Professor John Mayhall
Mr. Kashif Pirzada
Professor Emmet Robbins

Ms Susan Girard, Acting Secretary, Academic Appeals Committee

In Attendance:

Mr. P.D., the Appellant
Professor Gordon J. Anderson, University of Toronto at Mississauga

The student appealed to the Committee from a decision of the Academic Appeals Board of the College, dismissing his appeal from a decision of the Committee on Standing rejecting his petition for late withdrawal from BIO151Y, CHM140Y and MAT132Y taken in the academic year 1997-98. The student had originally petitioned the Committee on Standing in the fall of 1998 upon learning that the marks he had received in the three courses were 46, 47 and 33 respectively. For reasons that were not before this Committee, the Committee on Standing deferred its decision until the following year (after a further two deferrals) when the student repeated the first two courses and received marks of 52 and 44 respectively, and was required to withdraw for one year. At that stage (on June 17, 1999), the Committee on Standing rejected the petition for late withdrawal, and on September 9, 1999, the Academic Appeals Board rejected his appeal from that decision. It would have been of assistance to this Committee if the reasons for the decision to defer by the Committee on Standing had been before it, but it is a decision that appears to have been taken in the interest of the student.

The reasons stated by the Academic Appeals Board for rejecting the appeal were that in its opinion, the student had not presented a compelling case for exemption from the Faculty Rules that late withdrawal will not be granted after failures unless extraordinary circumstances beyond the student's control have occurred, and the simple question before this Committee is whether that decision is correct.

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There is no doubt that the student did suffer and is continuing to suffer from stress occasioned by severe personal difficulties. In November, 1997, his grandfather died in Iran and his mother left to be with her family for one month, but upon her return, the relationship between his father and his mother became acrimonious and they decided to separate. The student went to live with his uncle, then he moved in with his father, and is now living with his mother. In the Fall of 1998, his mother returned to Iran for a brief visit but was detained there and did not return until September, 1999. The family is of the Baha'i faith and there was considerable concern for her well-being during the period she was in Iran. In the Fall of 1998, the student developed a medical condition involving a tumor on his pancreas, which added to his stress, but this was later found to be benign and was removed in March, 1999. The student was in hospital for one week.

The student was clearly aware of the personal difficulties he was facing throughout this period. He did not seek counseling, except from members of his own family, nor did he seek to withdraw from any of the courses in which he was enrolled. He thought, as is often the case, that he could study hard in spite of his problems and succeed in the courses.

There is no criticism of the basic Faculty Rule that late withdrawal will not be permitted after failing grades have been received, so the issue is whether these circumstances constitute "extraordinary circumstances beyond the student's control". The Academic Appeals Board thought that the student ought reasonably to have known that he was not completing successfully the work in the courses and that there were published deadlines for the cancellation of courses. Some members of this Committee concurred with that view. Other members were of the view that the combination of stresses the student was under may have affected his judgment and that the exemption from the Rule should be granted.

It was also pointed out that while there is considerable sympathy for the student, one must also consider fairness to other students and the necessity to uphold the standards of the Faculty. The student ought reasonably to have known of his difficulties, to have sought counseling and to have withdrawn before the permitted time. Withdrawal after failing grades have been received must be reserved only for the most extraordinary cases.

After considerable discussion, the Committee, by a majority, voted to dismiss the appeal.

The Appeal is dismissed.

Susan Girard
Acting Secretary

Alan W. Mewett
Acting Chairman

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