

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

REPORT NUMBER 248 OF THE ACADEMIC APPEALS COMMITTEE

May 31, 2000

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Wednesday, May 31, 2000, at which the following were present:

Professor Ralph Scane, Acting Chair
Ms Shruti Dev-Nayyar
Professor Gretchen Kerr
Professor Emmet Robbins
Dr. Alexander Waugh

Ms Susan Girard, Acting Secretary, Academic Appeals Committee

In Attendance:

Ms P. N., the Appellant (the Student)

Professor Gordon J. Anderson, University of Toronto at Mississauga

Your Committee considered an appeal from the decision, dated December 17, 1999, of the Academic Appeals Board of Erindale College, which dismissed an appeal from the decision, dated June 4, 1999, of the Committee on Standing of that College. The latter Committee had denied a petition to permit late withdrawal without academic penalty from the courses PHL267H5S and PSY270H5S, taken in the 1998-99 academic year. Before the Academic Appeals Board, the Appellant expanded her request to also permit late withdrawal without penalty from the courses BIO206H5F, MAT132Y5Y, PHL283H5S and FSC239Y5Y. To save time, The Academic Appeals Board agreed to consider the request with respect to these courses, and refused to grant permission for late withdrawal from any of them.

The Appellant entered Erindale College in the 1997-98 academic year. In late October, 1998, during her second academic year at the College, the Appellant accidentally sustained a serious injury to her back. She was in considerable pain for a protracted period of time. The pain was helped, but not completely subdued, by prescribed analgesics. The Appellant found it difficult to get to classes as she could not drive herself, and found it difficult to sit through classes and to study as she could not sit for protracted periods of time. As a result, she was falling farther and farther behind in her studies. Nevertheless, she continued to hope that matters would improve and that she would be able to complete her courses that year successfully. She did apply for permission to withdraw late from one of her Fall Term courses, and this was granted by the College. However she took no further step with respect to the other courses in which she was registered until May 14, 1999, when she filed her petition to withdraw from the two courses mentioned above as having been before the Committee on Standing. She did not write the examinations at the end of the 1998-99

academic year. Accordingly, marks of zero were entered for all of these examinations. As a result, she received grades of F in all of these courses except one, where her term mark was sufficient to salvage a D- grade.

Your Committee notes that, on two previous occasions, the College granted leave for late withdrawal. On the first occasion, in April, 1998, the Appellant was warned, "in the future, you will be held responsible for being aware of and observing Faculty deadlines." In allowing late withdrawal from a course in December, 1998 (after her accident), the College commented "we have only considered this petition because of your medical circumstances. You are expected to follow appropriate procedures and timelines in the future." The importance of these warnings in the context of this appeal is not that the University has a cap on the relief it will afford to a student during her or his programme, but that this is a student to whom the rules on withdrawal had been pointed out quite sharply on two previous occasions. This is a factor which your Committee considered that it had to weigh heavily in deciding this appeal, although it is not in itself conclusive.

Your Committee does not doubt the seriousness of the Appellant's medical condition during the relevant period of time, nor the extent of the debilitating effects on the Appellant's ability to perform academically. Nor does it appear that this was an issue before the Board at Erindale College. However, your Committee considers that the issue to be decided is not whether the Appellant was impeded in her academic performance in the year in question, but whether she was reasonable in attempting to postpone her decision as to whether to withdraw from some or all of her courses until after the posted last dates for withdrawal without penalty, and, *a fortiori*, to postpone filing her petition until mid-May. In the 1998-99 academic year, the relevant dates for withdrawal without penalty were February 12, 1999, for full-year courses, and March 5, 1999 for Spring Term courses.

On this question, your Committee is not unanimous. The minority believes that the Appellant took a reasonable risk in hoping that her medical condition would improve sufficiently to permit her to write the examinations and salvage the academic year, and that this should be recognized by an exercise of discretion in her favour. The majority of the members regret that they cannot come to this conclusion. The Appellant's past record did not indicate strong academic reserves to draw upon. By the time the last dates for withdrawal were upon her, given the time missed and the difficulty in studying which she has described, it ought to have been clear to her that there was no reasonable hope of satisfactorily completing her entire programme for that year. The Appellant is not a student who is merely deemed to know that the Calendar contains rules for withdrawing without penalty. The College had made sure that she knew of them in fact. In the circumstances, exercise of discretion in her favour is not warranted.

The appeal is dismissed.

Susan Girard
Acting Secretary

Professor Ralph Scane
Acting Chair

May 31, 2000