

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

REPORT NUMBER 271 OF THE ACADEMIC APPEALS COMMITTEE

Your Committee reports that it held a hearing on Wednesday, October 30, 2002, at which the following were present:

Assistant Dean Bonnie Goldberg, Chair
Professor Clare Beghtol
Professor Sherwin Desser
Professor Luigi Girolametto
Mr. Colm Murphy

Mr. Paul Holmes, Judicial Affairs Officer

In Attendance:

Mr. V.T., the Appellant
Associate Dean Sue Howson, Faculty of Arts and Science, University of Toronto

The student appeals from a decision of the Academic Appeals Board of the Faculty of Arts and Science, dated January 29, 2002, denying his appeal for late withdrawal without academic penalty from MGT123H1S (the "course") taken in the Spring 2001 session. The student was appealing a decision of the Committee on Standing (dated October 31, 2001) denying his request for late withdrawal without academic penalty from the course.

The student continues to seek late withdrawal without academic penalty from MGT123H1S. The student requests this extraordinary remedy on compassionate grounds. The appellant is currently a fourth year economics student at Victoria College.

The student was enrolled in two full-year courses and one half-year course (the course in question) during the Spring 2001 term, his first year as a student at the University of Toronto. The deadline for dropping the course was March 11, 2001. Your Committee heard that the appellant's father arrived from Russia in December 2000 for a six-month visit. The father became ill in February 2001 and his condition worsened throughout March and into April. The student contends that by the time he realized that he was unable to continue in the course, it was too late to drop the course. Further, having had little experience with the ways of a Canadian university, he did not realize that he could also petition for late withdrawal until June 2001, well after having completed the course. The student wrote the final exam, without being adequately prepared, and did not hand in the term assignment. Unusual to appeals of this nature, this student actually passed the course, albeit with a D+ final grade. The student had previously missed the March 1 mid-term test in the course due to his own illness, and had had this mark re-weighted to the final examination.

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The Academic Appeals Board of the Faculty of Arts and Science found that there was not sufficient evidence to suggest that the mark in the course was unduly affected by the poor health of the appellant's father in the winter of 2001 and that the mark received in the course was not far from his grades in the other Spring 2001 courses (a B- and C+ respectively). The Board drew an adverse inference from the fact that appellant did not seek help from his Registrar at a meeting on March 5, 2001. Similarly, the Committee of Standing although sympathetic to the appellant found that the appellant had already received special consideration for the missed mid-term test, had passed the course, and had received satisfactory grades in his other courses for that term.

The appellant argues that although he did meet with his Registrar before the drop date, he made no mention of his domestic problems because he could not foresee how bad things would get. The student suggests MG120 (taken in the Fall 2000 term), in which he received a B, as more indicative of his ability. He argues that he was able to finish the other Spring 2001 courses with better grades, because the bulk of the coursework was already completed and thus, his work was not nearly as adversely affected as a result of his father's needs. Further, he notes that he was not ignorant of the rules; he was simply overwhelmed with the medical needs of his father, keeping up as best he could in school, and with the demands of his part-time job. The Committee heard evidence that the appellant's father suffered from a variety of ailments that required repeated doctor's visits (at which the appellant had to be present to translate), extensive attempts to obtain health insurance, and repeated interruptions to appellant's life to assist his father.

Your Committee heard evidence from the University that it does not dispute that the appellant spent considerable time caring for his ill father, specifically during March 2001. However, the petition for late withdrawal violates several key university procedures pertinent to late withdrawal applications. The appellant finished the course, the appellant passed the course, and the appellant only sought to drop one course – that is the one with the lowest grade. Further the University contends that ignorance of the rules is not grounds for allowing this type of remedy.

The ability to obtain late withdrawal without academic penalty is an extraordinary remedy, reserved for the most serious and unique of situations. The very existence of "drop dates" indicates that the University takes seriously the ability of a student to choose whether or not to continue in a course for any number of reasons personal to the student. By that date each term, the student is expected to have assessed his or her situation and made a decision. But once the date has passed, the University takes the position that the student has decided, no matter what situation may have existed before the drop date or may arise after the drop date, to continue on in the course. Exceptions to the drop date regime are rare, but one could conceive that they would only entail situations where unanticipated circumstances occur after the drop date, where already-existing circumstances become significantly more severe, or where already-existing circumstances do not resolve as expected.

Applying this analysis to the present case, your Committee finds that this is a situation in which already-existing circumstances became significantly more severe and were not

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anticipated or easily accommodated. The Committee accepts the appellant's contention that the circumstances in the winter and spring of 2001 were beyond his control, unduly intrusive on his ability to study, and became progressively and unexpectedly worse well past the drop date. We accept that the appellant was overly focused on his father throughout March and this pre-occupation, coupled with his newness to a Canadian university, made it unlikely he would seek the help available to him. We note that the appellant has matured into a very strong student, and we acknowledge his desire to a remove a blemish from his transcript. We also note that our decision means that the appellant loses the half course credit accrued by having already passed the course. This decision is not meant as precedent for future students asking for late withdrawal without academic penalty; nor is it meant to be a negative reflection on the University, which followed its procedures correctly. Rather this decision is an acknowledgment of the unique and serious nature of the appellant's circumstances during March 2001, necessitating a unique and serious remedy.

The appeal is allowed.

November 8, 2002

Paul J. Holmes
Judicial Affairs Officer

Assistant Dean Bonnie Goldberg
Chair