

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

**REPORT NUMBER 284 OF THE ACADEMIC APPEALS COMMITTEE**

October 31, 2003

To the Academic Board,  
University of Toronto

Your Committee reports that it held a meeting on Thursday, September 25, 2003, at which the following members were present:

Professor Emeritus R. Scane (Chair)  
Professor P. Catton  
Ms K. Lewis  
Mr. A. Watson  
Professor J. Wedge

**Secretary:** Mr. P. Holmes, Judicial Affairs Officer

**Appearances:**

**For the Student:**

Mr. C (The Student)  
Mr. G. Tam

**For the Faculty of Applied Science and Engineering (the Faculty):**

Professor K. Pressnail  
Ms B. McCann  
Ms M. Paton

This is an appeal from a decision of the Examinations Committee of the Faculty, acting on the recommendation of the Ombuds Committee of the Faculty reported in a letter to the Student dated March 10, 2003, to grant to the Student certain relief from the results of his Fall Term, 2002. This was the first term of the Student's Second Year in the Engineering Science programme of the Faculty.

The Faculty accepts, and it was not in issue before your Committee, that the Student was under extraordinary external pressures during that term. Accordingly, the Student was entitled to relief

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from what would otherwise have been the result of his average for that term, namely a failing grade, necessitating his withdrawal from the Faculty until the following Fall Term. The repeated term would have had to be repeated on academic probation. The Examinations Committee granted retroactive withdrawal without academic penalty in all the courses except one. In that course, which the Student had passed, he was permitted to retain credit notwithstanding that he had not attained the course mark ordinarily demanded by the Faculty to retain credit for a course in a term which must be repeated. Under the relief proposed, the Student would have clear standing on entering upon the repeat of the first term of his second year, and therefore would not be under the risks of academic probation. The Student does not consider the relief proffered to be satisfactory, and sought other relief from your Committee.

The Faculty structures its undergraduate programmes on a term basis. That is, a student is passed or failed on the basis of his total term's work. If the term is failed, the entire term must be repeated. Also, each term's work is considered as a prerequisite to that of the next term, so that a student who fails, say, the fall term must sit out until that term comes around again. Also, the Faculty does not have a policy of permitting make-up examinations. It has mathematical techniques for assessing substitute marks if either term work or a final examination is affected by illness or similar vitiating events, but not both, as here.

The Student wishes your Committee to substitute new marks for the marks he actually received in the various assessments he underwent in the subjects of the term in question, and particularly the midterm assessments, when the external pressures on him were particularly intense. These would be based on the hypothesis that, but for the external pressures, the marks would be higher. The Student proposed that his grades be raised by somewhere between 5.5 and 10 marks. The basis for this proposal was some calculations which the Student had done in one or two courses he had taken. If this relief were to be granted, the Student also asked for particular relief with respect to two of the courses. However, this would only be relevant and useful if the Student were moved from a failure to a pass in the term.

Your Committee is not prepared to accede to the request of the Student. First, the remedy asked is far outside the scope of what the Faculty affords to its students generally when they are afflicted with illness or other conditions which command some relief. A student may be entitled to relief from the normal penalties for inadequate academic performance, but this does not mean that the student has obtained sufficient grasp of the subject matter to proceed to the next term's work. Also, the relief asked is far too speculative. The data put before your Committee gives its members no confidence that a figure of 5.5, 10 or some other figure is statistically correct, and the variations in result from differing adjustment figures could be substantial. At a low level, the failure might remain. At a higher level, the Student might proceed on probation, and at the highest level suggested, might pass clear.

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Even better data, however, would not convince your Committee that it should undertake the proposed transcript reconstruction. The awarding of grades is the function of the appropriate faculty appointed by the University. It is not a function of appeal tribunals. An appeal tribunal may vacate a grade and may remove academic penalties which would otherwise flow from the original grade. Accordingly, an appeal tribunal may amend transcripts by replacing a grade with a notation that withdrawal without academic penalty has been permitted, or that *aegrotat* standing has been awarded. Ordinarily, it should not create a grade which appears to be awarded by faculty whom the University has entrusted with such responsibility. There may possibly be extraordinary cases where an appeal tribunal may be driven to such a remedy, but if so, this is not one of them.

The Student has been most unfortunate, but he is in no worse position than a student in the Faculty who has suffered a serious illness throughout much of a term which has adversely affected his or her academic performance. There are some misfortunes which the appeal process cannot fully remedy.

The appeal is dismissed.

October 31, 2003

Paul J. Holmes  
Secretary

Professor Emeritus Ralph Scane, Q.C.  
Senior Chair

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