

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

REPORT NUMBER 296 OF THE ACADEMIC APPEALS COMMITTEE

April 29, 2005

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Friday, April 22, 2005, at which the following members were present:

Professor Emeritus Ralph Scane, Senior Chair
Professor John Furedy
Dr. Joel Kirsh
Ms. Françoise Ko
Professor Ian McDonald

Mrs. Beverley Stefureak, Acting Judicial Affairs Officer

In Attendance:

For the Appellant:

Mr. A. (The Student)

For the University of Toronto at Mississauga (UTM):

Professor G. Anderson

This is an appeal from a decision of the Academic Appeals Board of UTM, dated June 14, 2001, which dismissed an appeal from a decision of the Committee on Standing dated May 23, 2001. The latter decision denied a petition from the Student to be permitted late withdrawal without academic penalty from the courses BIO205H5, BIO206H5, PSY230H5, and RLG374H5, all of which were taken in the Fall Term of 1999, and CSC108H5, taken in the Winter Term of 2000. The Student received a grade of "F" in each of these courses. The Student took one other course in that Fall Term, and three other courses in that Winter Term, each of which he passed.

The Student was admitted at UTM in the Summer Term of 1999 as a "non-degree visiting student", a status which continued until lack of academic success in courses taken up to and including 2004 led to an academic suspension for three years. These later academic events were not before your Committee.

The Student originally was admitted to a university in the U.S.A. He completed one semester at that university. However, in the Spring of 1998, he received word that his family, of which his mother was the financial support, was in serious financial trouble. He felt obliged, as the eldest child, to give up the athletic scholarship he was holding and return to Toronto to assist his family. He found employment at which he worked a full night shift, so that he could attend classes during the day.

The student described his problems in 1999-2000 as stress resulting from the heavy combined load

of full-time work outside the University and a full academic programme, which took a heavy toll on him mentally and physically. Some medical evidence was filed, after the decision appealed from, indicating some medical investigations and problems in 2001 and 2002, and in 2004. However, that evidence did not refer to possible links to the Student's performance in 1999 - 2000, and your Committee cannot give it weight in deciding the issues before it.

Your Committee is not surprised by the fact that the Student was feeling mentally and physically spent during the 1999 and 2000 terms in question, and accepts that the unfortunate state of affairs the Student faced at that time may have affected his performance. Nevertheless, your Committee finds that the Student has not established on the facts a sufficient case to justify the relief which he requests. Even if your Committee could have made that finding, however, the policy underlying the University's regulations on withdrawal from courses would have precluded it from granting the relief requested here.

On a number of occasions, panels of your Committee have indicated that permission to withdraw from a course without academic penalty after a "drop date" is a remedy to be granted only in exceptional circumstances. In Report # 264, delivered March 14, 2002, your Committee examined the policy underlying the establishment of "drop dates" in some detail.

In that Report, your Committee said that, by the "drop date",

"the student is expected to have assessed his or her circumstances and made an election. If the student elects to continue with the course, the consequences of that election must be accepted, and no allowance will be made for the effect of circumstances existing at the drop date, including the continuation of those circumstances after that date if continuation should reasonably have been anticipated, however detrimental to the student's performance they may be. In short, the University, by adopting "drop dates" which are set considerably before the end of the relevant terms, has set its face against a student, at the time the "drop date" forces a choice, from gambling, substantially risk free, that the situation with respect to a course can be repaired".

Your Committee, in that Report, continued on to give examples of situations where the above policy would not apply, but none of these situations apply here. They are essentially circumstances where the adverse factors have arisen, unexpectedly continued, or unexpectedly significantly worsened after the "drop date".

Here, the Student acknowledged that, by the relevant "drop date", he was concerned about all of the courses in question. The situation of the Student is regrettable, but your Committee has come to the same conclusion as did the Academic Appeals Board of UTM.

The appeal is dismissed.

Beverley Stefureak
Secretary

Ralph Scane
Chair