

**THE UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL**

Report #355 of the Academic Appeals Committee
April 15, 2011

To the Academic Board
The University of Toronto

Your Committee reports that it held a hearing on Wednesday, March 10, 2011, at which the following members were present:

Professor Edward Morgan (Chair)
Professor William Gough
Mr. James Park

Secretary: Mr. Christopher Lang, Director, Appeals, Discipline and
Faculty Grievances

In Attendance:

For the Student Appellant:

Ms. C. K. ("the Student")

For the Faculty of Arts and Science, Woodsworth College:

Professor John W. Browne, Dean's Designate (Judicial Affairs), Faculty of Arts
and Science
Ms. Cheryl Shook, Registrar, Woodsworth College

I. Appeal

This is an appeal by the Student of failing course grades in two courses – HIS313Y and WDW330H – that she received while enrolled in a Woodsworth College ("Woodsworth") Certificate Program in Business in 1990-1991. She seeks late withdrawal from those courses and asks for their removal from her transcript. Woodsworth takes the position that the 90 day appeal period for seeking such relief expired for the later of the two courses in November 1991. It is the view of Professor John Browne, the dean of Woodsworth, that the matter cannot be re-opened twenty years later. This decision addresses the preliminary issue of the timeliness of the appeal.

At the outset of the hearing, the Student requested that her need for confidentiality of these proceedings be respected. She was advised that the University's policy is to publish

the results of all academic appeals with the student's name redacted from the publicly available copies. The Student indicated to the panel that she was satisfied with that procedure.

II. Facts

At the same time that the Student was registered in Woodsworth's Business program she was also registered as a full-time student in the Faculty of Arts & Sciences. She graduated with a B.A. from Arts & Sciences in 1993. Her submission is that she was at the time overloaded with two programs running simultaneously, and that she petitioned for withdrawal from the Woodsworth courses in the spring of 1991. There is, however, no evidence of any such petition or of any decision made in respect of such petition. Woodsworth's document retention policy requires it to maintain its student files for each current school year plus two years. As a result, the Student's file was long ago discarded, and all that remains of her Woodsworth academic records are the transcripts of the grades under appeal. The transcript does not indicate that the Student withdrew from those courses.

Woodsworth's registrar, Ms. Cheryl Shook, testified at the hearing. She indicated that the Student would have been issued a Statement of Results at the end of the 1990-1991 academic session, alerting her to the failing grades she received and to the fact that she remained registered in the certificate program. The Student does not recall receiving anything from Woodsworth at the time, although she does recall that in 1995 she requested a copy of her Arts & Sciences transcript and that there was no indication of her Woodsworth courses on that transcript. As Ms. Shook explains it, in the early 1990's Woodsworth issued separate transcripts from other University of Toronto faculties, and it was not until the late 1990's or early 2000's that the two institutions combined their transcripts.

The Student testified that in 2003 she was looking for work and, in order to put together her records, she requested a copy of her transcripts from Arts & Sciences. It was then that for the first time she saw the two Woodsworth grades in issue here. She testified that she wanted to have the two courses removed from her transcripts, and called Woodsworth in order to inquire how to go about doing that. She spoke with Ms. Susan Isbister, the Director of Professional and International Programs at Woodsworth, who spent a full hour on the telephone going over with the Student what the formal steps would be in order to commence an appeal of the two grades. The Student stated that Ms. Isbister encouraged her to submit an appeal petition in writing, but that she did not do so as she was busy at the time dealing with her search for employment.

In 2007, the Student contemplated applying for graduate programs. At this point she wanted to have the University eliminate the two Woodsworth courses from her transcript, so she submitted a formal appeal petition to this effect. This petition was dismissed by Woodsworth as being out of time. The Student has therefore appealed to this Committee.

III. Decision

While Woodsworth takes the view that the appeal period for the two courses in issue expired in 1991, the Committee is of the view that might be too strict a view. If a student did have evidence that there was a mistake in her transcript dating from 20 years ago, which error was only now recognized or seen by the student, the passage of time would not alone prevent us from addressing the error.

However, that is not the case with respect to the Student and the Woodsworth grades on her transcript. The Student fully acknowledges that she became aware of the problem for which she seeks redress in 2003, and that Ms. Isbister gave her all of the information she needed to submit an appeal at that point. The Student's testimony was that she did not submit her appeal at that point because, in her words, she was "going through a lot of things", and that not doing so may have been a "mistake on my part".

A university can be expected to make efforts to re-open an old appeal if an alleged error has only recently come to light; it cannot be expected to entertain a two-decade old appeal when the alleged error came to light several years before the student bothered submitting a formal appeal. As long as the student can claim with credibility that she was unaware of the alleged error, she should not be punished by the expiry of an appeal period. However, once the alleged error is discovered and the student is given a proper explanation of how to submit a formal appeal, the deadline begins to run. Woodsworth, and the University at large, is not open to appeals from every student for an indefinite time period, subject only to the student's subjective determination of her own timing. That would impose far too great a burden on the University's record keeping and appeal system.

It is the Committee's view that, whether or not the appeal period expired 90 days after the end of the Student's courses in 1991, it certainly expired 90 days after the long explanatory conversation she had with Ms. Isbister in 2003. It was incumbent on the Student to bring her appeal in 2003, and not to wait until 2007 before doing so.

The appeal is dismissed.