UNIVERSITY OF TORONTO
GOVERNING COUNCIL

Report # 348 of the Academic Appeals Committee
October 18, 2010

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Friday, October 1, 2010, at which the following were present:

Ms. Renu Mandhane, Chair
Professor Denise Belsham
Professor William Gough
Dr. Sarita Verma
Ms. Joeita Gupta

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

In Attendance:

Mr. M[redacted] K[redacted], the Student

Professor Angela Lange and Ms. Sandra Speller, University of Toronto Mississauga, the Respondent

I. The Appeal

The Student is appealing the October 1, 2009 decision of the University of Toronto Mississauga ("UTM") Academic Appeals Board, denying his petition for late withdrawal without academic penalty from two courses in which he was enrolled during the 2009 summer session: PHL283H5 and PHL370H5.

II. Facts

The Student is a certified Canadian immigration consultant, and commenced his studies at UTM as a mature student in September 2008.

In December 2008, the Student had a child which had an impact on his studies. At the end of the 2008-2009 academic year, due to his poor academic performance, the Student was placed on academic probation and advised by UTM not to enroll in summer courses. Despite this advice, the Student enrolled in four courses during the 2009 summer session. He eventually withdrew

from two courses, but remained enrolled in PHL283H5 and PHL370H5. The Student completed one assignment in PHL283H5, and no assignments in PHL370H5. There was no final exam in PHL370H5, and the Student did not complete the final exam in PHL285H5.

On Thursday, August 13, 2009, the Student spoke with an academic counselor in the Registrar's Office at UTM. He was advised that the last day to apply for late withdrawal without academic penalty was Monday, August 17, 2009. Between August 13th and August 17th, the Student weighed his various options in terms of the two courses in which he remained enrolled.

The deadline for withdrawing from summer courses came and went. The Student missed the deadline. One day after the deadline, on August 18, 2009, the Student submitted an online petition for an extension for completion of course work for PHL370H5. On or about August 19, 2009, the Student withdrew his August 18th petition, and petitioned for late withdrawal without academic penalty for both courses. These petitions were denied and he failed both courses. The Student's GPA dropped below the minimum threshold established by UTM and he was subsequently suspended for one year. The Student now applies to your Committee for late withdrawal without academic penalty from PHL283H5 and PHL370H5.

III. Previous Decisions

On August 19, 2009, the Student filed petitions for late withdrawal without academic penalty from PHL283H5 and PHL370H5. On September 1, 2009, the Committee on Standing at UTM refused both of the Student's petitions.

The Student eventually appealed to the UTM Academic Appeals Board. His appeal was denied. In a letter dated October 1, 2009, the Board wrote as follows:

1. On the basis of your presentation at the meeting and your overall academic record, the members of the Board decided that you did not have a compelling case for an exemption from the University regulations that apply to all students.

2. The Board believes that you did have sufficient time to drop the courses before August 17th. Yet despite ample opportunities to drop the courses on time, you make a conscious decision to leave that process to the very last minute.

3. Given your academic record, your approach to your studies that you described to the Board, and the myriad of issues plaguing your personal life, the Board felt that the one year suspension was in your best interest, for it would allow you to deal with your personal issues, and to develop your academic skills.

The Student now appeals the decision of the UTM Academic Appeals Board to the Academic Appeals Committee of Governing Council.

IV. Decision

Submissions

In his written and oral submissions to your Committee, the Student noted that the birth of his child and other family issues negatively affected his performance in PHL283H5 and PHL370H5. The Student was candid and forthcoming in his oral submissions regarding the unexpected and serious family issue that arose on August 17th which resulted in him missing the deadline to petition. Your Committee notes that, throughout the various proceedings, UTM has accepted that the events on August 17th occurred and were, indeed, unexpected and serious, and maintained this position at the hearing before your Committee.

However, UTM refuses to grant the Student relief on the basis that, regardless of the events of unexpected and serious events of August 17th, he had sufficient time to drop the courses *prior to* that date. Given that the Student completed little or no work in the two courses and had previously sought academic counseling in regards to his options, UTM argues that the Student should not have waited until the last minute to drop the courses. By waiting until the deadline, UTM's position is that the Student took a calculated risk, and that relief cannot be sought once that risk materialized.

Reasons

The Student is seeking late withdrawal without academic penalty from two courses that he took during the summer of 2009: PHL283H5 and PHL370H5. The Student claims that he missed the deadline to petition for late withdrawal without academic penalty due to an unexpected and serious family issue that arose on August 17th and which prevented him from attending at UTM in person to file a petition. The Student filed his petition two days later, on August 19th and your Committee finds that the Student acted in good faith in so doing. The issue before your Committee is whether UTM should have allowed the Student's appeal based on the extenuating circumstances.

In arriving at its decision, your Committee considered the reasons behind the ability of students to withdraw late without academic penalty. The remedy of late withdrawal without academic penalty is an extraordinary remedy, reserved for unusual and unique situations. The idea of "drop dates" is predicated upon the University's legitimate expectation that a student will make a decision whether to continue in a course within a reasonable period of time. By the drop date, the student is expected to have assessed his or her situation and made a decision. 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 however detrimental to the student's performance they may be. Exceptions to this policy are rare, but may include situations where unexpected circumstances arise after the "drop date", where pre-existing circumstances significantly worsen, or where pre-existing circumstances that were reasonably expected to abate do not.

While UTM denies the Student relief on the basis that he could have dropped the courses in advance of August 17th, your Committee notes that, under the normal circumstances, this is not a

factor that should be considered in determining whether to grant relief in such cases. The very existence of a "drop date" implies that students are entitled to wait until that date to make their final decision, regardless of how forgone that decision may seem to the University.

Your Committee accepts that there was an unexpected and serious family issue that arose on August 17th, and finds that the Student falls into the narrow exceptions noted above where extenuating circumstances require allowing late withdrawal without academic penalty after the stated deadline.

Your Committee unanimously allows the Student's appeal and wishes the Student success in his continued studies at the University of Toronto.

The appeal is allowed.