

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

Report #380 of the Academic Appeals Committee
August 31, 2015

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Monday, August 24, 2015, at which the following members were present:

Professor Andrew Green (Chair)
Professor Elizabeth Smyth, Faculty Governor
Ms. Susan Froom, Student Governor

Secretary: Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances
Observer: Ms. Joanne Deboehmler, Administrative Assistant, Appeals, Discipline and Faculty Grievances

Appearances:

For the Student Appellant:

Ms. H.K. (the Student)

For the University of Toronto Mississauga:

Professor Kelly Hannah-Moffat, Professor and Vice Dean Undergraduate,
University of Toronto Mississauga
Ms. Michelle Kraus (by phone), Assistant Registrar, Academic Standards and Petitions

I. The Appeal

This is an appeal from a decision of the Academic Appeals Subcommittee (“AAS”) of the University of Toronto Mississauga (“UTM”) dated March 13, 2015 dismissing an appeal of the Student from a decision of UTM’s Committee on Standing (“COS”). The COS had denied the Student’s petition for late withdrawal without academic penalty for five courses taken in the 2012-2013 academic year: HIS395H5F, EAS466H1S, HIS330H5S, HIS385H5S and RLG330H5S.

II. The Facts

The Student graduated from the University of Toronto with an Honours Bachelor of Science degree in 1998. In 2012-2013 she enrolled at UTM as a non-degree student in order to aid her applications to professional schools. The Student took courses in a range of areas including history, forensic science, religion and East Asian studies.

The Student experienced difficulties in a number of these courses, particularly in the Winter term as she had health problems and was involved in a number of court cases. For HIS395H5F, she was granted an extension of time to complete a make up test in February 2013 and again in March before being refused a third extension requested in April 2013. During the Winter term, she contacted her professors about her class work and participation marks both prior to and following the drop date for courses. During term, she also requested re-grading for a number of her courses.

On March 22, 2013, the Student met with UTM Vice Principal Academic and Dean Mullin. The Student wished to speak about her marks in her courses and her contact with some of her professors. At the meeting, Dean Mullin raised issues with the Student's behavior both with respect to some of her professors and in class. Dean Mullin also provided the Student with a letter setting out these concerns as well as outlining her responsibilities as a non-degree student and the potential consequences of failing to adhere to those responsibilities. At the hearing the Student stated that she was surprised by these concerns.

In May 2013, the COS refused the Student's requested extensions of time for EAS466H1S, RLG330H5S and HIS385H5S. The COS found that the documentation provided did not corroborate the explanation in the petition or that the work had already been submitted and graded.

By the end of the year she had received a C+ in one of the courses subject to this appeal and an F in the other four courses. In addition she received an A- in another course taken in this period. She took a seventh course in this period but was subsequently granted a late withdrawal in the course for medical reasons.

In November 2014, the Student petitioned for late withdrawal for the five courses. She did not appeal these decisions until 2014 as it was at that point that she decided to apply for professional schools. The COS refused her appeals on January 14, 2015. The decision for each course was that late withdrawal could not be granted after a student shows their intent to complete a course by writing the final examination (or the final term test/assignment in courses without final exams).

The Student appealed these decisions of the COS to the AAS. The AAS dismissed the appeal in a decision dated March 13, 2015. The AAS found that the Student had not presented a compelling case for an exemption from UTM's policies on late withdrawal. The Student had

argued that her meeting with Dean Mullin on March 22, 2013 and the related letter had prevented her from pursuing late withdrawal within the appropriate timelines. The AAS, however, found that the Student had also failed to provide documentation for two missed exams in 2012 without an adequate explanation. Further, the Student had argued that the courses had unclear expectations. The AAS found that the expectations were clear and were not convinced that the re-grading or alternate grading processes were inappropriate or biased against the Student. Finally, the AAS also noted that the Student had successfully completed one course in Winter 2013 and could not satisfactorily explain why she was successful in one course but had to withdraw from another due to circumstances beyond her control.

The Student appealed this AAS decision to your Academic Appeals Committee. She asked for removal of HIS395H5, EAS466H1, HIS330H5, HIS385H5 and RLG330H5 from her transcript and any other remedies the Committee deems appropriate.

III. Decision

At the beginning of the hearing, the parties were asked if they consented to the composition of the panel. In her materials, the Student noted that she had won a National Scholarship and that she was involved in a court case in which Governing Council was a respondent. One of your Committee had been involved in the past in awarding National Scholarships and two of the members of the Committee are Governing Council members. Neither party objected to the composition of the panel. In discussing the issue, it became clear that the panel member was involved with a different award than given to the Student. Further, the lawsuit did not involve either panel member.

In her written materials for the appeal, the Student stated that she ‘produced outstanding academic work for all of these academic courses in the 2012-2013 academic year based on the requirements as they were communicated to all of the students in each of these classes at the outset of each assignment.’ At the oral hearing, the Student gave two main reasons for her request for withdrawal. First, she was disturbed by her meeting with Dean Mullin and the related letter. At least in part she felt she could not pursue her options with respect to withdrawal or other remedies about the courses she was involved in without being denied the ability to enroll in further courses in the University. Second, she was surprised by the results of her re-grading requests.

Your Committee has consistently found that late withdrawal from a course without academic penalty is an extraordinary remedy and should only be granted in rare and compelling circumstances. Out of fairness to all students, the University publishes policies for withdrawing from courses and expects students to adhere to those policies. If the student wishes to withdraw from a course, she may do so without penalty by the published drop date for the term. Once the drop date has past, the student is assumed to have decided to continue with the course. As has been noted by your Committee in prior decisions, ‘Exceptions to this policy are rare, but could include situations where unexpected and unforeseeable circumstances occur after the drop date,

where already existing circumstances become unpredictably worse, or where already existing circumstances do not reasonably resolve.’ (Report 375).

However, in addition to the option of dropping the courses before the drop date, UTM academic policies also provide that a student may withdraw from a course without making a petition or providing supporting documents, provided the student makes the request before the last day of classes and has not written the final exam (or final test/assignment for courses without a final exam). The student’s transcript would have the course with the notation ‘LWD’. To provide further options for relief, a student may also petition for withdrawal from a course after the last day of classes provided she has not completed the final test or assignment for the course. If the late withdrawal is granted, the student’s transcript has the notion ‘WDR’.

In this case, the Student had difficulties throughout the winter term both prior to and after the drop date. She knew of the drop date for the courses. She sent a number of emails in March 2013 to her professors, noting that the drop date was approaching. However, the Student did not avail herself of the option of withdrawing by the drop date. She stated at the hearing that she felt at the time of the drop date that she could still successfully complete the courses. Further, the Student completed the final assignment in the relevant courses. The policies on both withdrawal without petition and withdrawal with petition, clearly set out in the Academic Calendar, note that these options are not available if the student has completed the course’s final assignment. The Student stated that she did not look into all her options, in part due to her interactions with the Dean and to her waiting for the results of the re-grades. UTM noted during the hearing that the Student had been informed on multiple occasions of the deadlines involved in petitions.

The AAS reviewed the Student’s reasons for requesting exemption from these policies, including both the interaction with the Dean and the re-grading process, and found that neither provided compelling reason for granting an exemption from the University’s policies. Your Committee finds that the AAS decision was not unreasonable. In fairness to all students, such exemptions must be rare and reserved for particularly unusual and unique circumstances. It was not unreasonable for the AAS to find that the interactions with the Dean did not provide sufficient reason for the Student not pursuing late withdrawal within the appropriate time frame. The Student had been struggling prior to the drop date, had brought petitions for extensions of time in 2012/2013 without sufficient documentation and had successfully completed another course at the same time. In addition, given the documentation before it, it was not unreasonable for the AAS to find that the re-grading process was not unfair. Further, UTM noted during the hearing that the Student’s re-grading requests went through the processes applicable to all students.

The appeal is dismissed.