

THE UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL
Report # 391 of the Academic Appeals Committee
December 8, 2017

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Monday, November 6, 2017 at 1:00 p.m., at which the following members were present:

Ms. Sara Faherty, Chair
Professor Andrea Sass-Kortsak, Faculty Governor
Ms. Mala Kashyap, Student Governor

Hearing Secretary: Ms. Krista Osbourne, Administrative Clerk and Hearing Secretary, Appeals, Discipline and Faculty Grievances

Appearances:

For the Student Appellant:

Mr. Y. A. (the Student)

For the Division, University of Toronto, Mississauga:

Professor Michael Lettieri, Vice Dean, Undergraduate Programs
Ms. Renu Kanga Fonseca, Director, Student Recruitment and Admissions

I. The Appeal

The Student Appellant, Y. A., dropped a year-long course after the relevant add/drop deadline. He dropped the course after the last date to which he would have been entitled to get even a 50% refund. The Student Appellant has asked to have the tuition charge removed from his account. He had since accrued late penalties and fees, and is asking that they be removed as well.

Section 2.1 of the Terms of Reference that govern the Academic Appeals Committee of the Governing Council allows this body to “hear and consider appeals made by students against decisions of faculty, college or school councils (or committees thereof) in the application of academic regulations and requirements.” This is an appeal from the decision of the Fee Consideration Committee at the University of Toronto, Mississauga’s Registrar’s Office, which disallowed the fee refund and reversal request of the Student. A decision by a registrarial fee refund committee is not, in your Chair’s view, a decision that applied an *academic* regulation to a student. This appeal may not have come to this body properly. Your Committee declines to review the Fee Consideration Committee’s ruling. This is consistent with and mirrors our understanding of the remedies this Committee can impose. We have an array of academic remedies available to us (*e.g.*,

late withdrawal without academic penalty, reinstatement to a program after academic suspension, to write a deferred exam), but we are not empowered to make financial awards to students.

Your Committee Chair reviewed the Student Appellant's written submission to see whether he raised any substantive challenges to academic regulations over which we have jurisdiction. The Student questions the fairness of add/drop dates. Your Committee listened to the Student's and Division's submissions on this issue, with the understanding that we were reviewing the Registrar's underlying decision to apply the add/drop deadline to the Student in the first place. We are of the view that a review of this academic regulation (the add/drop deadline) might result in a reversal that could trigger a conclusion about financial relief. Even under those circumstances the only action this Committee could properly take would be to recommend a fee reversal.

II. The Facts

The Student Appellant registered for ECO100Y5, *Introduction to Economics*, during the Fall term of 2016. He was hoping to be admitted to the International Affairs program, and this core introductory course is a requirement for that program. He began struggling with the materials early in the term. He met with an academic counselor prior to November 9, 2016, who, according to the Student, recommended that he "stay in the course a little longer." The Student does not recall whether the academic counselor specifically mentioned that the upcoming deadline for dropping a year-long course was November 9, 2016. Students who drop before that deadline receive a 50% refund. He reported to your Committee that he was not aware of the November 9 deadline when it passed. The Student continued to perform poorly in the course, and over the break between the Fall and Winter terms he decided to drop it, giving up his goal of entering the International Affairs program. He dropped the course on January 2, 2017, more than seven weeks after the November 9, 2016 deadline.

A complicating factor in this situation is the billing practices of the University. The University splits the cost of year-long courses into two separate payments: one due early in the Fall term, and the second due early in the Winter term. These two separate payments, due on two separate dates, appeared in the Student's account in the Fall of 2016. This Committee understands this to be a student-friendly practice, because the alternative would be to demand full payment for year-long courses early in the Fall term. However in this case the practice confused the Student. He did not understand that he would still be responsible for the remaining January payment when it fell due, even though he had dropped *Introduction to Economics*. His confusion was fed by the Registrar's language explaining the add/drop deadlines, which refer to "refunds."

The Student did not understand that he was expected to make his second payment for the course until he saw that the charge was still listed on his statement of account in January of 2017.

III. Decision

Jurisdiction of the Student Appeal Committee

As explained above, your Committee has declined to rule on the decision of the Fee Consideration Committee, on the grounds that its decision does not involve the application of an academic regulation.

The Committee is considering the fairness of the practice of imposing add/drop deadlines, because they are, broadly understood, academic regulations.

Consistent Application of the Add/Drop Deadline

The Student has not raised any suggestion that the add/drop deadline was not applied correctly, or consistently. He is aware that he did not drop *Introduction to Economics* until January 2, of 2017. He acknowledges that the last day on which he might have received a 50% refund was November 9, 2016, although he also asserts that he was unaware of the deadline on the day that it passed. Nor does the Student assert that any unforeseen issues arose after the deadline had lapsed. On the contrary, he reports that he was struggling in *Introduction to Economics* from the very beginning of the course, and that he discussed his options with an academic counselor before the November 9 deadline. His argument that he couldn't have dropped the course before the deadline because he was still trying to raise his grade, and he did not yet know whether that effort would be successful is unpersuasive. One of the justifications for an add/drop deadline is to require students to assess their performance and make final decisions about their registration relatively early in a course. It is not unreasonable to assume that students will be in a position to make an informed decision by then. In this case, the Student was aware that his performance was weak in the course, although it was not until a month or so later that he realised that he was likely to fail the course if he stayed in it. The Student misunderstands the goal of the add/drop deadline: it is not the date by which students are expected to be able to predict their final grade. Students are, however, expected to have developed an idea of what the course is about, whether they are able to understand and connect with the instructor, and the amount of time they should be expected to devote to the course. If the add/drop date were tied to students' ability to predict their final grades, course registration would become unstable and there would be no more low grades—students would be routinely dropping courses when they realised their likely final grade was not to their liking. This would undermine the significance of all marks. A policy that allowed students to drop courses without any financial or academic consequences throughout the term of a course would be unmanageable and would undermine the academic integrity of students' transcripts.

Even when a student documents an unforeseen problem that arose after the add/drop deadline had passed, and this Committee permits late withdrawal without academic penalty, the Committee does not have the authority to reverse the associated tuition and fees. A 2005 panel explained,

“The student also asked the Committee that if we found in her favour, she could be refunded the money she spent on the course. The Committee believes that it does not have the jurisdiction in this matter and that it is a matter of policy to be decided by individual divisions. However, we wish to state for the records that in our opinion, students are not entitled to refunds of courses for which they are granted late withdrawal without academic penalty.” (Report # 302)

This panel finds that both of those principles still stand.

Fairness

Rather than challenging the correctness or the consistency of the application of the add/drop deadline, the Student is asserting that such deadlines are unfair. He repeatedly asked, both in his written submissions and his oral submissions, “why [he] should pay for something [he is] not getting.” The Division pointed out that he had received four months of instruction in the course. We

note that the Student had the right to stay in the course and sit for its exam. His decision not to exercise that right was under his control.

The Student asserted that he was confused by UTM's use of the word "refund," arguing that common understanding of the word relates exclusively to money that has already been paid, and does not contemplate future payments. This Committee agrees that it would be clearer to expressly remind students who drop year-long courses that they will still be responsible for any future payments. We encourage the Registrar's Office to add that to their website for the sake of clarity. The Assistant Registrar pointed out that the Student was given a single invoice, and that the invoice showed both the Fall and Winter charges on that document. The Student had that invoice at the time he made his decision to drop the course after the last deadline for any fee reversals. She also read from the UTM website which uses the phrase "refund schedule," but also uses the terms "adjusted" and "reversed" to describe how they treat fees if a course is cancelled before the deadline. We find this phrasing to be better, but still believe a better practice would be to expressly point out that future charges are included in the course fee.

However the Student did not rely on this language when he missed the deadline—he told us that he was unaware of the add/drop deadline and the rules around refunding and reversing fees on November 9th (which would have been the last day to have the unpaid 50% of the fees reversed). He also told your Committee that even if he had been aware that he would be required to make his Winter term payment for *Introduction to Economics* when he dropped the course on January 2, he still would have dropped the course. He explained that he would not have remained in the course "because I would not attain the grade I needed to pass the course."

This panel has concluded that the policy was sufficiently communicated to the Student, and the University's use of the term "refund" did not cause the Student to take an action he otherwise would not have taken.

The Student believes that since he did not attend any classes during the Winter term, he should not have to make the second payment for the year-long course. The University could have set the deadline for dropping yearlong courses at the half-way point, but did not do so. (Nor does it set the add/drop deadlines for either Fall or Winter courses at the half-way point.) The add/drop deadline is not closely tied to the fraction of a course the students have completed, nor is it intended to be. The Vice Dean pointed out that the costs of a year-long course do not accrue evenly across the terms, with precisely one twenty-sixth of the funding for the course being expended each week the course meets. The University carefully calibrates the academic calendar, including the add/drop deadlines, with an eye toward fairness to students, the need to cover fixed and variable costs across three campuses, the need for stability in course registration, the need to maintain academic integrity, and myriad other considerations. While it makes an effort to afford students a generous amount of time to determine whether or not to remain enrolled in courses, there are other reasons, described above, for requiring students to commit to their course loads once the academic year is underway.

IV. Conclusion

There is no basis for disputing the Registrar's application of the add/drop deadline to this Student Appellant.