

**REPORT NUMBER 259 OF THE ACADEMIC APPEALS COMMITTEE**

**November 26, 2001**

To the Academic Board,  
University of Toronto.

Your Committee reports that it held a hearing on Monday, November 26, 2001, at which the following were present:

Assistant Dean Jane Kidner, Acting Chairperson  
Professor Philip Byer  
Professor Olga Pugliese  
Professor Donna Wells  
Ms. Wendy Swinton

Mr. Paul Holmes, Judicial Affairs Officer, Secretary to the Academic Appeals  
Committee

In Attendance:

For the Student:

Mr. R.N.  
Mr. Craig Coughlen, Downtown Legal Services

For the University of Toronto at Scarborough:

Professor Ian McDonald, Associate Dean

The student appealed from a decision of the Scarborough Sub-Committee on Academic Appeals dated June 20, 2001, dismissing his appeal from the decision of the Scarborough Sub-Committee on Standing dated September 13, 2000, refusing his petition of September 8, 2000 to rewrite the final examination in the 2000 Summer Session course CHM 133H.

On August 14, 2000, the student failed the final exam in CHM 133H and as a result failed the course. His sessional GPA fell to 0.00 and his cumulative GPA fell to 1.49, and pursuant to policy at the University of Toronto at Scarborough ("UTSC"), he was automatically placed on three-year suspension from the University. The student seeks the remedy of retroactive late withdrawal from CHM 133H and permission to re-enroll in courses in January 2002. The student's appeal is based on medical and compassionate grounds.

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### **The Facts:**

From the Fall of 1991 to the Fall of 2000 the student was periodically enrolled as a part time student at UTSC. Throughout the period 1992 to 2000 the student performed poorly and was on academic probation in every session in which he was registered for failure to meet the minimum cumulative GPA requirement of 1.60. During this period of time he was also placed on a one-year suspension following the 1993 Winter session, and a three-year suspension in 1999 for failure to meet the requirements of his academic probation. The three-year suspension was later deferred, and the student was warned in writing that if he failed to achieve a sessional GPA of 1.60 his three year suspension would automatically be triggered. He was also strongly advised to carefully evaluate his situation in each course before the deadline for withdrawing without academic penalty.

In 1999 the student suffered a series of set backs in his personal life. In April 1999, he was diagnosed with chronic sinusitis. In December 1999, the student's aunt, who had been very close to him, passed away. In March 2000, the student's girlfriend terminated their five-year relationship. In April 2000, the student's parents asked him to move out of their home. In that same month, the student was demoted in his position at work.

In May 2000, the student enrolled in CHM 133H, a summer session course. The student also enrolled in ANA 300Y but dropped that course prior to the course drop deadline of July 23, 2000. The student retained his registration in CHM 133H but performed poorly on his term work. He missed two term tests on June 20<sup>th</sup> and July 25<sup>th</sup> and obtained a 20% average on term quizzes. The student was permitted to write the final exam re-weighted to compensate for the work that he had missed.

On August 14, 2000 the student failed the final exam for CHM 133H, achieving 5 to 7%, and as a result failed the course. His sessional GPA fell to 0.00 and his cumulative GPA fell to 1.49, and pursuant to policy at UTSC he was immediately placed on three-year suspension.

On September 8, 2000 the student filed a petition to the Scarborough Sub-Committee on Standing asking for permission to rewrite the final examination in CHM 133H on medical grounds. The student argued that his chronic sinusitis caused him to suffer from nausea, headaches, and an ear infection as a result affected his ability to prepare for and write the final exam. A University of Toronto Student Medical Certificate from Dr. Betty Choi-Fung dated August 14, 2000 supported the petition. The student's petition was denied on September 13, 2000 on the grounds that he was aware of his chronic medical problem and his poor performance in the course, and therefore he could have reasonably anticipated difficulty in completing the course and withdrawn from the course prior to the course drop deadline of July 23, 2000.

On May 30, 2001 the student appealed this decision to the Scarborough Sub-Committee on Academic Appeals. He asked for one of three remedies – late withdrawal from CHM 133H; permission to rewrite the final exam in CHM 133H; or a reduction of his three-year suspension to one year to be permitted to return to studies in September 2001. The

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student argued that the cumulative effect of the personal stressors in his life affected his ability to concentrate, and ultimately caused him to suffer a depression in May 2000, which was unrecognized and undiagnosed until February 2001. He argued that although he was aware that he faced a three-year suspension if he did poorly, he found it difficult to make rational decisions because of his then unrecognized depressive disorder. He introduced medical evidence to support his case. The appeal was denied. While the members of the panel were sympathetic to the student's ongoing health problems, they noted that he had already been granted one deferral of suspension, there was no significant difference on the student's performance on the quiz and the final exam, and the remedy of late withdrawal should be reserved for extremely rare cases.

In the present appeal, the student is seeking the remedy of late withdrawal without academic penalty. He argued that his chronic sinusitis, in conjunction with his depression during the relevant time period caused him to fail CHM 133H and further interfered with his ability to make the rational decision to withdraw from the course. The student introduced a new piece of evidence, a letter from Dr. Parviz Jamal dated August 2001, which outlined the stressors the student had been facing which precipitated his depression.

### **Decision**

A retroactive late withdrawal from a course is an extraordinary remedy reserved for the most serious cases. The Committee considered all of the medical and other evidence submitted by the student. It was the opinion of the Committee that the medical evidence did not meet the test for granting the extraordinary remedy of late withdrawal. The student had been warned in writing and knew the consequences of failing even one course. The committee also noted that the student had decided to drop another course in which he had been enrolled during the summer of 2000, yet had decided to remain in CHM 133H. The Committee was not satisfied on a balance of probabilities that even if the student had been suffering from a depression during the summer session of 2000 that the depression was the cause of his failed exam in CHM 133H or his decision not to withdraw from CHM 133H prior to the course deadline for withdrawal.

The appeal is dismissed.

December 14, 2001