

# **UNIVERSITY OF TORONTO GOVERNING COUNCIL**

## **REPORT NUMBER 273 OF THE ACADEMIC APPEALS COMMITTEE**

Your Committee reports that it held a hearing on Tuesday December 17, 2002, at which the following were present:

Assistant Dean Bonnie Goldberg, Chair  
Mr Mark Braun  
Professor Phil Byer  
Professor Sherwin Desser  
Professor Luigi Girolametto

Mr Paul Holmes, Judicial Affairs Officer

In Attendance:

Mr N.M., the Appellant  
Professor Gordon Anderson, University of Toronto at Mississauga, Erindale College

This is an appeal from the decision of the Academic Appeals Board of the University of Toronto at Mississauga ("UTM"), dated October 4, 2001. The Academic Appeals Board ("the Board") affirmed a Committee on Standing decision, dated July 5, 2001, denying the appellant late withdrawal from four courses: MAT311H5; BIO361H5; BIO407H5; and ECO460Y5. The appellant appeals to this Committee for late withdrawal from two of the four courses: BIO361H5; and ECO460Y5.

The appellant was an above average student during his first three years at University. In the 2000-2001 academic year, the appellant experienced personal and financial difficulties and could not focus on school. He was not attending classes regularly or completing his tests and assignments. His problems were compounded by the fact that he was not receiving OSAP and in fact, was required to pay back an overpayment from a previous year. He was working long hours during the day. He was in conflict with parents, who were going through their own personal and financial problems, and occasionally, the appellant had to leave home for periods of time.

In May and July of 2001, the appellant made a series of petitions to the Committee on Standing regarding his performance. He was granted late withdrawal without academic penalty for four of his courses, and granted deferred examinations for the two courses in question.

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The appellant chose not to write the deferred examinations that were provided to him by the Committee on Standing in the August 2001 period, which resulted in failures in these two courses, and instead appealed to the Academic Appeals Board for late withdrawal from four courses. The Academic Appeals Board found that the appellant did not present a compelling case for an exemption from the Faculty's regulations, and further, that the Faculty had granted the appellant many concessions throughout his four academic years. In the opinion of the Board, the appellant should have known the procedures for withdrawing from courses when "personal problems interfered with your studies."

The appellant returned to school for a fifth year to complete his degree, and earned adequate grades. He is now enrolled as a first year medical student at a university in the West Indies.

The appellant appeals to this Committee for late withdrawal for two of the courses, both of which he failed. He did not appeal to this Committee for late withdrawal from two of the courses, both of which he passed with a D (BIO407H5) and C- (MAT311H5)

The University's position at the hearing was that the reasons for the Academic Appeals Board decision are still pertinent and relevant. The University argued that the appellant should not be allowed to "cleanse" a transcript of poor grades without compelling reasons. The appellant did not offer any information to your Committee different than that presented to the Academic Appeals Board. The appellant indicated that his preference was not to discuss his personal problems. He reiterated that it was a difficult year for him due to his personal and financial problems, and that he returned to school in 2002 more focused on his goals (medical school). He acknowledged that he made poor choices in the 2000-2001 year, and did not seek any assistance from the university to deal with his problems. He did not offer any specific reasons for why he chose not to write the deferred examinations, except that at that point, he had decided that the year was lost to him academically. The appellant told the Committee that our decision would not have much bearing on his future, as he has achieved his goal of attending medical school. However, he wished to have the failures removed from his transcript.

The Committee considered both sides of this issue, and came to the conclusion that the decision of the Academic Appeals Board should be upheld. The appellant did not present any information to the Committee that was new or different than that which the Academic Appeals Board had before it in October 2001. The remedy of late withdrawal without academic penalty is a penalty reserved for the most extenuating of circumstances. The Academic Appeals Board recognized the difficulties facing this appellant and granted him four such withdrawals. However, the Appeals Board also chose to grant deferred examinations in the other courses, a decision which would have enabled the appellant to salvage some of his year. The appellant chose not to use this opportunity. We see no reason to disagree with the discretion of the Academic Appeals Board and do not have before us any evidence of compelling circumstances that would permit us to grant the appellant additional late withdrawals. Furthermore, having been given deferred examinations and other special consideration throughout his academic career, the appellant should have reasonably known the deadlines for withdrawing from courses

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when it appeared that his personal problems made continuing in the courses untenable. He completed virtually no work in the second term, and hoped that he could have his transcript erased. We are not prepared to grant this remedy. The appellant has moved on, putting his difficult academic year behind him, and for this we commend him.

On the basis of the information provided to the Committee, we are confident in our decision; however, we wish to express our regret that both sides, UTM and the appellant, did not provide us with more detailed and helpful information.

The appeal is dismissed.

January 6, 2003

Paul J. Holmes  
Judicial Affairs Officer  
(Secretary)

Assistant Dean Bonnie Goldberg  
Chair