

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

REPORT NUMBER 319 OF THE ACADEMIC APPEALS COMMITTEE

June 13, 2007

To: The Academic Board
University of Toronto.

Your Committee reports that it held a hearing on May 22, 2007, at which the following were present:

Assistant Dean Bonnie Goldberg, Chair
Professor Brian Corman
Ms Saswati Deb
Professor Glen Jones
Professor Arthur Ripstein

Ms Cristina Oke, Assistant Secretary of the Governing Council

In Attendance:

The Appellant

Associate Dean Nick Cheng, University of Toronto Scarborough

The Appeal

The Student is appealing the decision of the University of Toronto Scarborough (“UTSC”) Subcommittee on Academic Appeals, dated October 31, 2006, denying him an opportunity to rewrite his final examination in BGYA01H3 (“the course”), which he took during the Summer 2006 session. The Subcommittee also denied the Student’s request that in the alternative, he receive a grade of “aegrotat” or “no credit” in the course.

Facts

The Student enrolled at UTSC in Fall 1996 as a degree student in the Specialist Program in Environmental Biology. In that time, he has received 4.5 credits. As a result of his failure in the course with a grade of 48, the Student was suspended for 36 months starting September 2006. The Student had been previously suspended for 12 months and was required to maintain a GPA of at least 1.6 to remain in the program. He took only one course, and did not meet this requirement. The Student is eligible to return in September 2009.

The Student works full-time at an Internet Café and as a Network Consultant in Mississauga and commutes to UTSC. The Student has claimed that there has not been a “fair judging” of the students in the course. The Student missed labs and quizzes because he was late, and because at

one point, he was de-registered from the course for non-payment of tuition. Once he failed the course, he contacted his instructor and other members of the academic administration at UTSC and was advised to petition. In his petition, he makes references to “magic” resources used by other students and that other students were allowed to write quizzes when they were late.

Previous Decisions

On September 21, 2006, the Student petitioned to rewrite his final exam in the course, or, in the alternative to receive credit but no grade in the course. The petition was denied due to insufficient grounds. The Committee found that rewrites are only granted when the student can demonstrate that his performance on the exam was adversely affected. The Student made no such claim. Further, a marks breakdown from his instructor indicated that his final examination grade was consistent with his mid-term test result. The Committee also denied the request for credit but no grade given that that the rest of the class received numeric grades.

On October 19th, the Student appealed and attended at a hearing of the UTSC Subcommittee on Academic Appeals. The Subcommittee denied his appeal. On the issue of the lab work that the Student missed because he was late or had been temporarily withdrawn from the course due to non-payment of fees, the Subcommittee noted that the Student has been given accommodations for the missed lab marks in his final term mark. Further accommodation in the lab work was not warranted and even “perfect” scores would not have prevented the suspension. The Subcommittee also noted that:

... You provided no documentation or explanation for circumstances which might justify granting an appeal to rewrite to the final exam ... You provided no cogent reason why you should be granted a Credit or Aegrotat standing in the course, assuming the Committee had the authority to overturn well-established university policies.

The Subcommittee provided detailed and constructive suggestions for ways in which the Student could improve his language abilities, cut down on his commute, prepare for his return to UTSC, and rethink his career path in the sciences.

Decision

The Student again appeals to this Committee for an opportunity to rewrite his final exam or to receive a grade of aegrotat in the course. At the hearing, the Student was asked if there are additional circumstances that of which the Committee should be aware. The Student stated that he was ill during the summer, but did not provide medical evidence to the various committees at UTSC and told this Committee that he was unable to obtain medical documentation.

While the Committee is sympathetic to the Student’s situation given his commute and full-time work hours, the Student has been enrolled in the University for 11 years and has had other opportunities to assess his situation and prioritize his learning. He was on probation and knew he needed a 1.6 GPA; it would have been prudent to drop the course without penalty when it became clear early on that this would prove difficult.

UTSC applied its policies fairly in this case. First, UTSC policy states that rewrites are not granted until there is a 10% drop, relative to the class average, from term to final exam mark.

The Student's term marks were about 11% below class average and his final examination mark was 16% below the class average. Second, UTSC policy states that a grade of "aegrotat" may be assigned:

on the basis of work completed where medical or similar evidence demonstrates that a student is unable to complete course requirements within a reasonable time, and where a student has already completed at least 60% of the work of the course with a grade of C minus or better.

In this case, the Student had no significant incomplete work and all his grades were below C minus. Nor was there any medical evidence that indicated that the Student was unable to complete his work.

With respect to the Student's concerns about the class, nothing has been substantiated. With respect to his lab work, the missed quizzes were accounted for in his final term mark.

Ultimately, the Student is requesting special treatment without providing any compelling grounds. He told the Committee that in the last year he has only made limited efforts to improve his situation so that he can return to UTSC. Unfortunately, when the Student returns he will remain on academic probation and must achieve a sessional GPA of 1.6 or better to prevent *permanent withdrawal* from the University of Toronto. The Student has considerable work ahead of him to meet this threshold. The Subcommittee's suggestions are very reasonable and we encourage the Student to take the steps outlined in their decision to prepare for a successful return to UTSC in 2009.

Accordingly, there is no basis to allow the appeal and it is dismissed.