

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

Report #351 of the Academic Appeals Committee
November 25, 2010

To the Academic Board
University of Toronto

The Academic Appeals Committee reports that it held a hearing on Friday, November 19, 2010, at which the following were present:

Assistant Dean Kate Hilton, Chair
Professor Robert Baker
Professor Ellen Hodnett
Professor Henry Mann
Mr. Olivier Sorin

Secretary: Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances

In Attendance:

For the Student Appellant:

Mr. S M (the "Student")

For the University of Toronto, Faculty of Applied Science and Engineering:

Professor Thomas Coyle, Associate Professor & Interim Associate Chair, Undergraduate Studies
Mr. Khuong Doan, Associate Registrar, Student Services

I. The Appeal

The Student is appealing the decision of the Academic Appeals Board of the Faculty of Applied Science and Engineering ("AAB"), dated August 17, 2009, which denied the Student's request for late withdrawal without academic penalty.

II. Facts

The Student enrolled in Faculty of Applied Science and Engineering ("Engineering") in Fall 2006. He experienced academic difficulty due to family circumstances, and ultimately withdrew from the program.

The Student took a year off, and in the summer of 2008, he was preparing to return to school. That summer, his fiancée became unexpectedly pregnant, and they decided to terminate the pregnancy. This event had a number of negative repercussions for the Student. The Student's parents disapproved of his and his fiancée's decision, causing a rift in the family relationship. He moved out of the family home, which increased his living expenses; although he got a weekend job as a window cleaner, he still struggled to support himself financially. In addition, the Student experienced mental distress as a result of his estrangement from his parents and his guilt over the termination of the pregnancy.

While all of these events were unfolding, the Student returned to school. In Fall 2008, the Student enrolled in the first year program in Engineering. Because he had withdrawn from the program in 2006, the Student was determined to succeed. However, his personal circumstances affected his ability to focus on his studies. The Student experienced academic difficulty throughout the term, but he persisted and wrote his final examinations in December 2008. The results of the examinations, however, were very disappointing. The Student failed the term, and was expelled from the program.

The Student petitioned the Examinations Committee, requesting late withdrawal without academic penalty due to his personal circumstances. In its decision of January 28, 2009, the Examinations Committee denied the petition.

The Student then appealed to the AAB, which upheld the decision of the Examinations Committee on August 17, 2009.

On November 16, 2009, the Student appealed to the Academic Appeals Committee of Governing Council, requesting once again that he be granted late withdrawal without academic penalty, so that he could enroll once again in the Engineering program.

III. Decision

This Committee accepts that the Student was distressed by his difficult family circumstances and financial situation in the Fall of 2008, and that the Student's academic performance was likely affected by these factors. However, such a finding is insufficient to merit the extraordinary remedy of late withdrawal without academic penalty.

The Academic Appeals Committee has repeatedly affirmed that late withdrawal without academic penalty will only be awarded in cases where there is a change in circumstances after the drop date for courses. Once the drop date is past, the University holds the student to his or her decision to continue with the course, and will not make exceptions for circumstances that existed at the time of the drop date, however difficult those circumstances may be for the student. The drop date policy requires students to make a reasonable assessment as to their probability of success; it does not permit them to gamble that they will be able to overcome their circumstances and succeed in their courses while retaining the option of late withdrawal if their gamble fails.

In this case, the Student argued that his circumstances became more difficult following the drop date, as he had less income towards the end of the term from window washing and he began arguing more frequently with his fiancée. For these reasons, he suggested that his mental distress became more acute and affected his studies more dramatically following the drop date. It is difficult for this Committee to assess the extent of the Student's mental distress and the degree to which it affected his studies, since the Student did not present any medical evidence at the hearing, and he testified that he had never sought medical or counseling support of any kind. As stated above, late withdrawal without academic penalty is not available as a remedy for circumstances which existed at the time of the drop date. For the Student's argument to be successful, he would have had to demonstrate that his situation deteriorated so dramatically following the drop date that it amounted to an unforeseen change in circumstances, rather than an extension of existing circumstances. This is a high standard, and in light of the fact that the Student did not present any medical or other compelling evidence to support his argument, this Committee could not conclude that the test was met.

In short, the Student had been distressed about his family circumstances and financial situation well before the drop date, and he continued to be distressed about them following the drop date. He hoped that he would be able to turn the situation around and improve his academic performance. Unfortunately, his hopes were not realized, and the Student must accept the consequences of his choice.

The appeal is denied.