

# UNIVERSITY OF TORONTO

## GOVERNING COUNCIL

Report #374 of the Academic Appeals Committee  
June 19, 2014

To the Academic Board  
University of Toronto

Your Committee reports that it held a hearing on Wednesday, June 4, 2014, at which the following members were present:

Professor Andrew Green (Chair)  
Professor Edward Iacobucci  
Ms. Alexandra Harris

Secretary: Mr. Christopher Lang, Appeals, Discipline and Faculty Grievances  
Secretary: Ms. Sinead Cutt, Appeals, Discipline and Faculty Grievances

### **Appearances:**

#### **For the Student Appellant:**

Mr. D.H. (the Student)

#### **For the Faculty of Arts and Science:**

Professor Anne-Marie Brousseau, Associate Dean Undergraduate

### **The Appeal**

This is an appeal from a decision of the Academic Appeals Board (“AAB”) of the Faculty of Arts and Science (“Faculty”) dated February 8, 2013 dismissing an appeal of the Student from a decision of the Faculty’s Committee on Standing dated September 21, 2012. The Committee on Standing had denied the Student’s petition to be allowed late withdrawal without academic penalty for 14 courses taken by the Student between 1979 and 1986.

### **The Facts**

The Student transferred into the Faculty in 1979 after having difficulty in the Faculty of Applied Science & Engineering. In 1979-80 he received an E or an F in four of seven courses taken and was placed on academic probation. In his second year in the Faculty (1980-81), of the seven courses taken, he received an E and an F in two courses and was granted late withdrawal without academic penalty in three courses. He was suspended from the Faculty for the 1981-82 school

year because of the academic misconduct and for the 1982-83 school year because of his academic record.

The Student returned to the Faculty in 1983-84 and took six courses. He petitioned for and was granted late withdrawal without academic penalty for two of these courses due to migraine headaches. The Student also received other accommodation in this period. In 1984-85 he received an F on all four courses he took. He was assessed a three year suspension from the Faculty but the Faculty did not impose the suspension. The following year (1985-86) he took five courses and failed all five. The Faculty then imposed a three year suspension. Following the suspension, in 1989-90 he took and passed a course in economics.

In 2008, almost 20 years after his last course in the Faculty, the Student re-enrolled as a part-time student in the Faculty in order to complete his degree. He has completed a number of courses and the Student states he is now off academic probation. In 2012 the Student petitioned for late withdrawal without academic penalty from 14 courses in which he received either an E or a F during 1979-1986 (three from 1979-80, two from 1980-81, all four courses from 1984-85 and all five courses from 1985-86). He stated that his academic difficulties were the result of a lack of understanding of how to study along with anxiety or panic. He indicated that the delay in applying for late withdrawal was not that he was not aware of the process but that he was in denial that he had a problem. He stated he only sought help once from the University's counseling services. In his petition, he noted that he wished to finish the program and perhaps attend graduate school. In a decision dated May 18, 2012 the Petition Office of the Faculty denied this first petition on the basis that the petition had been filed too late. The Faculty rules currently in place require a petition for late withdrawal to be made within six months of the end of the session.

The Student then appealed this decision to the Faculty's Committee on Standing. In this petition, the Student stated that he did not request a late withdrawal in the 1980s because he was in denial. He did not know or would not admit he had a problem and therefore did not or could not apply for withdrawal. He stated that he was only recently able to recognize the problem and seek help. He also noted that while he would graduate with or without the granting of late withdrawal, he was concerned that applications for graduate schools or scholarships would be hindered by his overall GPA. In a decision dated September 21, 2012, the Committee on Standing denied the petition stating in part:

Your petition has been filed too late and have you presented compelling reasons or appropriate documentation [sic]. The Faculty of Arts and Science rules and regulations clearly state the deadlines for filing petitions. You have previously received consideration in some courses listed above, in addition you clearly knew the regulations on petitioning as you previously requested several accommodations. Your Registrar's Office can provide you some guidance so your record will not be damaging to your future academic plans.

In these initial petitions, the Student does not appear to have provided any medical documentation concerning his difficulties during the 1970s and 1980s.

The Student appealed this decision to the AAB. In his appeal, he stated that he began seeking professional help following 2008. He did not provide documentation of this current medical help. He did provide two documents he stated relate to his seeking help in the 1980s: an University Health Services appointment record which does not have either a date or the Student's name; and a business card of a physician with the University of Toronto's Counseling & Learning Skills Service. The AAB denied the appeal in a decision of February 8, 2014. The AAB stated in part that:

The Board was impressed with your progress since returning to university, but was unwilling to make selective modifications to the record. Members who had participated in the graduate-school admissions process considered that admission decisions often did indeed take account of an applicant's progress over time, contrary to your expressed fears, and the Board recommends that you certainly should request an explanatory letter from your College Registrar.

The AAB did not make an explicit decision on the timeliness of the petition, noting only "the Board concerned itself only briefly with the long-expired deadline (under any possible set of rules) for your appeal".

The Student subsequently appealed to your Academic Appeals Committee. The Student asked that he be granted late withdrawal without academic penalty for all fourteen courses identified in the initial petition. He provided two medical records from the past year. First, he provided a University of Toronto Verification of Student Illness or Injury Form dated February 10, 2014 signed by Dr. Cheng. This Form states that the Student had 20 appointments between May 2012 and March 2013 and was then referred to community psychiatry for "ongoing care". Under additional comments, it states "chronic issues of anxiety, school performance relating to long term difficulties in academic performance/success". Second, he provided a letter dated January 27, 2014 from Dr. Koutsoukos. Dr. Koutsoukos stated he has been seeing the Student for "anxiety issues". He notes that the Student has made "great strides in trying to address his anxiety difficulties, particularly as they pertain to examinations and school assignments" and that the Student's "current academic performance, while balancing a full-time successful career as an investment analyst, is a better representation of the patient's abilities" than his past record. Neither of these documents was before the AAB.

## **Decision**

There are two related issues arising in this appeal. First, is the Student too late to apply for late withdrawal of courses he took 20 years ago? Second, if the Student can apply, should he be granted late withdrawal? They are related in that the Student states that both his lack of success in the courses and his inability to use the petition process in the 1980s stemmed from his anxiety and his unwillingness to admit that he had a problem or needed help.

In regards to petitions, the Faculty's 2013-14 Calendar states that exceptions to rules and regulations may be made "in the face of unpredictable, exceptional circumstances" but "students must present compelling reasons and relevant documentation". In terms of documentation, the Student provided only two undated records that he states pertain directly to the time when he was taking the courses from which he wishes to withdraw (the appointment record that was not dated and did not have the Student's name and the business card of the physician). In appealing the AAB's denial to your Committee, the Student provided documentation of his current treatment for anxiety issues. The Student was very forthright in admitting that he had no contemporaneous documentation and that the documents he could provide were only consistent with his claim but not dispositive.

Your Committee recognizes the difficulty of obtaining documentation of events that occurred over 20 years ago. These difficulties are exacerbated where, as in this case, the student states that he did not seek help at the time because he did not recognize or at least admit he had a problem. However, as has been noted in many other decisions, late withdrawal after receiving a failing grade is an extraordinary request. In fairness to other students, the circumstances grounding such a request must be rare and well supported, otherwise employers and other universities could not rely on transcripts as an accurate representation of students' records. In this case, the medical documentation from the time is essentially non-existent. The additional documentation concerning the Student's care over the past couple of years while somewhat helpful is not sufficient to ground the requested remedy. It does not provide an adequate link between the Student's current condition and his state of mind in the 1980s.

Further, the Student wishes to withdraw from the courses in part because he is concerned about the negative impact of the marks on his future academic opportunities. The Faculty stated that graduate admission decisions would consider the whole of the Student's record and a Registrar's letter would allow the Student to be considered for graduate school despite a low overall GPA. Your Committee believes that it was not unreasonable for the AAB to find that graduate schools would take into account the Student's progress over time and his current success in his course work, particularly in conjunction with a letter from his College Registrar. In fact, the Student's record can provide a positive story to any graduate school considering the fact that he has been successful in his courses in recent years and that he was working while taking these courses.

In this case, your Committee therefore finds that the AAB decision to deny the appeal was not unreasonable, even in light of the additional documentation provided by the Student to your Committee that was not before the AAB. The documentation is not sufficient to support such an extraordinary request. Moreover, as the Student has stated he will graduate with or without the remedy and as your Committee believes that graduate schools will take into account his current progress, your Committee finds it is not unreasonable to conclude that the circumstances do not constitute compelling reasons to grant the remedy. As your Committee denies the appeal on the merits, it is not necessary to consider the timeliness issue.

The Committee wishes to point out that it would have been preferable for the AAB to have had before it the medical documentation that was provided only at the time of this appeal as well as any further evidence supporting the Student's claim. To the extent that procedures are not in place at the AAB to aid students in identifying relevant documentation and possibly that legal assistance is potentially available, the Committee recommends such procedures be considered.

The appeal is dismissed.