

REPORT NUMBER 266 OF THE ACADEMIC APPEALS COMMITTEE

April 25, 2002

To the Academic Board,
University of Toronto

Your Committee reports that it held a hearing on Thursday April 25, 2002, at which the following were present:

Assistant Dean Jane Kidner, Acting Chairperson
Professor Clare Beghtol
Professor Philip Byer
Professor Luigi Girolametto
Ms. Geeta Yadav

Secretary: Mr. Paul Holmes, Judicial Affairs Officer

In Attendance:

Ms. S.R., the Appellant (student)
Mr. Eliot Berlin, counsel for the Appellant
Professor Ian McDonald, Associate Dean, for the University of Toronto at
Scarborough (UTSC)

This committee considered an appeal by Ms. S.R. (the “Appellant”) of the decision of the Sub-committee on Academic Appeals of the University of Toronto at Scarborough (“Scarborough”) which held a hearing in this matter on October 22, 2001 and provided written reasons dated October 24, 2001. The Sub-committee on Academic Appeals upheld the decision of the Scarborough Subcommittee on Standing dated July 10, 2001 (from the Appellant’s petition of June 22, 2001), not to permit the Appellant late withdrawal without academic penalty from the 1996 Winter session course MATA26Y.

The Appellant seeks the remedy of retroactive late withdrawal from MATA26Y or alternatively that a notation be placed on her transcript stating the following: *“during the period covered by the transcript [the Appellant] had an unidentified learning disability that could have entitled [her] to accommodation; primarily in time allotted for tests and examinations, and that such tests or examinations be written in a private room with the assistance of a computer.”*

The Facts:

The Appellant was a first year student at Scarborough in the 1996 academic year. The Appellant received a grade of D+ in the course MATA26Y taken during the 1996 Winter session. It is the position of the Appellant that her standing in this course was the result of

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an undiagnosed learning disability which she did not become aware of until September 1998, and is not indicative of her true ability. The Appellant cited the fact that she received a very high mark in a similar math course (MATH1505) which she took at York University in the summer of 2001 following her graduation.

In her first year at Scarborough, the Appellant took five courses, and subsequently dropped one course. She completed the year with four courses, receiving grades of B- (in ANTA01Y); C (in BIOA03Y); B- (in PSYA01Y); and D+ (in MATA26Y). Her sessional and cumulative GPA was 2.18. The Appellant's appeal relates only to her standing in MATA26Y.

Following her first year of studies at Scarborough, the Appellant transferred to York University. The Appellant testified that in her first year at York University she continued to receive grades that she felt did not reflect her true ability. In the Fall/Winter 1997 session, the Appellant received grades of B; C+; C+; C+; and B in her courses.

At the end of her first year at York University, the Appellant was referred to the Learning Disability Centre to determine if she had a learning disability and therefore needed special accommodation at the University. The Appellant submitted that she found it very difficult to complete the required readings for her courses, and that she had to read very slowly in order to comprehend the material. The Appellant provided written documentation (Psychoeducational Assessment) from the Jewish Vocational Service of Metropolitan Toronto dated September 1998 which concluded that "[the Appellant] has a reading disorder... Based on this, [the Appellant] will require specific accommodations for University courses."

Following her assessment, the Appellant testified that she received special accommodation to write all subsequent tests and exams and that as a result her marks improved substantially. Specifically, the Appellant testified that she was permitted to take 50% longer to write her tests and exams with the option of asking for more time, and was permitted to write in a private sound-proof room.

Decision

A retroactive late withdrawal from a course is an extraordinary remedy reserved for the most serious cases. The Committee considered all of the evidence submitted by the Appellant. Notwithstanding the Appellant's learning disability, this Committee is not persuaded that it should disturb the decision of the Sub-committee on Academic Appeals with respect to the Appellant's request for late withdrawal from MATA26Y.

There was no suggestion by the Appellant that she was unaware of the dates by which she ought to have dropped the course without academic penalty. The Committee heard evidence that all students experiencing academic difficulty in MATA26Y have the option at mid year of taking a math reprise course in place of MATA26Y. The Appellant provided no evidence as to why she did not avail herself of this option. The Appellant

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also acknowledged that she did not seek any academic counseling when she knew she was not doing well in MATA26Y.

While the Committee is sympathetic to the fact that the Appellant's mark in MATA26Y may have been affected by an undiagnosed learning disability, the Committee is concerned with the apparent selectivity of the Appellant's request. The Committee noted that the Appellant is not seeking late withdrawal without academic penalty for all of her first year courses at Scarborough, nor is she seeking this remedy for her courses in her first year at York University, also taken prior to her diagnosis. Rather, the Appellant is only concerned with eliminating the mark she received for MATA26Y from her transcript, her lowest mark at both Scarborough and York. The Appellant acknowledged that to request late withdrawal for all of her first year courses would require her to re-do university subjects in order to meet her degree requirements to graduate. The Appellant indicated that she is not willing at this point to take any further university courses.

The Appellant further acknowledged that it is impossible predict to what degree her learning disability may have been a contributing factor to the grade she received in MATA26Y. The Committee did not hear compelling testimony that the Appellant's learning disability was the sole contributing factor. In particular, the Committee noted that the Appellant received better grades on her other first year courses at Scarborough despite the fact that they were courses requiring much greater levels of reading comprehension, the focus of her learning disability.

The Committee also considered the Appellant's request to have a notation on her transcript indicating that she had an undiagnosed learning disability at the time she took MATA26Y. Counsel for the Appellant provided a case in which such a notation was allowed in similar circumstances. The Committee also heard testimony from Associate Dean, Professor MacDonald, that had Scarborough been aware of the Appellant's learning disability in 1996, the Appellant would have been given some form of special consideration to write her tests and exams.

The appeal with respect to late withdrawal from MATA26Y is dismissed. The appeal with respect to the request for a notation on the transcript is allowed to the extent that the Appellant have noted on or with her transcript that during the period covered by the transcript the Appellant had an unidentified learning disability that could have entitled her to special accommodation for such tests and examinations, with respect to time allotted, location, and computer assistance provided.

May 21, 2002