

**THE UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL**

Report #318 of the Academic Appeals Committee
April 20, 2007

Your Committee reports that it held a hearing on Monday, April 16, 2007, at which the following members were present:

Professor Ralph Scane, Senior Chair
Ms Coralie D'Souza
Professor Louise Lemieux-Charles
Ms Maureen Somerville
Professor Lorne Sossin

Secretary: Ms Cristina Oke

Appearances:

the Student Appellant

For the University of Toronto at Mississauga (UTM):
Professor Gordon Anderson

This is an appeal from the decision, dated September 28, 2006, of the Academic Appeals Board of UTM. This decision dismissed an appeal from a decision, dated May 30, 2006, of the Committee on Standing of UTM which denied a petition to permit late withdrawal without academic penalty from the course MAT102HS, which the Student took in the Winter Term of 2006, and in which the Student received a grade of F.

The Student gave evidence that, from about January 28, 2006, he had moved from his usual lodging in Mississauga to the home of his sister, in Scarborough, to assist his sister after the birth of a child, when the sister's husband was required to be absent from the home for a considerable time. The sister also had a three year old child. The Student and his sister were the only family members living in the Toronto area. The sister's husband gave no indication of the expected length of his absence or the reason for it. The duties unexpectedly imposed upon the Student of being the care-giver for his sister and her young family, compounded by the long commute from Scarborough to Mississauga, took a severe toll upon the time and energy required for his studies. The situation lasted for about one month, the Student being unable to return to his home in Mississauga until the beginning of March. In addition, a cousin, with whom he had been personally very close in his home country, before coming to Canada, died at a young age at the end of January, 2006, and he was extremely disturbed by this.

The Student acknowledges being aware of the “drop date” in early February for this and other courses, and in fact considered whether to drop this or other courses to obtain relief. He discussed his situation with his teaching assistant in MAT102H5S, and says that the teaching assistant told him that he believed that the Student had sufficient ability in mathematics to pass this course. He does not allege that the teaching assistant went beyond this in his advice. In fact, the Student did not withdraw at this time. Near the end of the course, the Student again contemplated withdrawal. He was generally aware of what we are told, not only by the Student, but by the representative of UTM, is rather inaccurately called by students a one-time only “freebie” late withdrawal without penalty from a course or group of courses, as long as it is applied for before a student writes the final examination or examinations in the course or courses concerned. The representative of UTM confirmed that it is the custom at UTM for the Registrar to grant a petition for such late withdrawal, once only, if any reasonable ground is given. The Student stated that he believed that this unusual relief was granted only on medical grounds, which he did not have, so he did not apply. He did write all of his examinations.

In its response to this appeal, UTM pointed out that the Student had done comparatively well in the four other courses which he had taken in that term, which might be expected to have been equally adversely affected by the circumstances in February, 2006. The Student replied that two of these courses were courses in Islamic and Hindu religious traditions, with which he had considerable familiarity from his life in his homeland, and one was a course in statistics, with which he had some prior background. With respect to the fourth course, in economics, he simply expressed surprise that he had done as well as he did.

Your Committee is divided on this appeal. All members are aware of the University’s strict position on the observance of “drop dates”, and have no wish to retreat from this position. However, the majority believe that the circumstances faced by the Student at the end of January, shortly before what your Committee was advised was the “drop date”, about the end of the first week in February, lasted longer than could reasonably be expected as of the “drop date” . The majority also believes that, for cultural reasons, the Student gave more weight to the view of the teaching assistant than it was intended to have. (Your Committee wishes to make clear that it does not criticize the teaching assistant for giving his views of the Student’s capability in the subject when asked for advice). Finally, the majority notes that the grade of F in the subject must be evaluated against the class average of D+. The majority therefore concludes that this is a case which justifies allowing late withdrawal without academic penalty. The minority believes that the circumstances which the Student was facing at the “drop date” required the Student to elect whether to lighten his load, particularly with respect to courses which he was admittedly finding difficult even apart from his particular personal difficulties, or take his chances on being unable to overcome his difficulties. The minority therefore saw no grounds, under the University’s established policy on late withdrawal, for granting relief.

The appeal is allowed. The grade of F in the course MAT102HS taken in the Winter Term of 2006 is vacated, and the Student is allowed retroactively to withdraw from this course without academic penalty.