

UNIVERSITY OF TORONTO
GOVERNING COUNCIL

REPORT NUMBER 251 OF THE ACADEMIC APPEALS COMMITTEE

October 31, 2000

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Tuesday October 31, 2000, at which the following were present:

Assistant Dean Bonnie Goldberg, Acting Chairperson
Professor Christopher Barnes
Ms Jenny Carson
Professor Brian Corman
Professor Emmet Robbins

Ms Susan Girard, Acting Secretary, Academic Appeals Committee

In Attendance:

Ms R.W., the Appellant
Ms Rebecca Case, Downtown Legal Services, for the Appellant
Ms W., sister of the Appellant
Professor Ian McDonald, Associate Dean, for the University of Toronto at Scarborough

The student appealed from a decision of the Scarborough Subcommittee on Academic Appeals ("Scarborough Subcommittee"), dated April 14, 2000, refusing her late withdrawal from MATA28Y ("the course"). The decision was made in response to the student's petition of March 10, 2000 to the Scarborough Subcommittee on Standing in which she sought late withdrawal after the deadline without academic penalty. The student's petition was based on the her belief that the Teaching Assistants' strike that occurred in January 2000 disrupted the course to such an extent as to adversely affect her performance and her ability to assess her performance by the time of the drop deadline.

The student, who is from Alberta, sought admission into the "BA/Com-Co-op" ("BComm") program, a Specialist Management and Economics program. The student was denied entry to this program, but instead commenced a "preparatory" program with the goal of reapplying for admission to the BComm. The student was required to take a first year calculus course and chose MATA28Y, for which she readily admits that she did not have the prerequisite OAC, or the equivalent Alberta high school math course.

There is no question that the student struggled in the course. Math was one of her weaker subjects; she did not have the prerequisite; and she relied heavily on the tutorial resources available. She obtained 44% on the first mid-term (with a value of 25% toward her final grade), and a barely passing average on her weekly assignments (whose cumulative value was 15% of her final grade).

The Teaching Assistants' strike began on January 7, 2000. On that date, the Provost declared a disruption to the academic program, effective January 10, 2000, and noted that grading practices

governing procedures in the event of a disruption were in effect. The appellant's course was suspended for the duration of the strike, which translated into 8 classes and 4 tutorials missed.

The strike was resolved on February 7, 2000 and courses resumed. The strike was settled just days before the date set by the University for courses to be restructured. MATA28Y followed the outline set at the beginning of the academic year, and the same amount of work was covered despite the missed class and tutorial time.

The second mid-term (worth 25% of the final grade) had been scheduled for February 2, 2000 but was rescheduled for March 1, 2000. February 11, 2000 was the final date on which a student could withdraw from this course without academic penalty. The student decided not to withdraw from the course for the following reasons: it was possible that the student could still receive a passing grade; successful completion of this course was required for entry into the academic program of her choice; the student hired a personal math tutor to aid in preparation and review for the mid-term.

The student received a grade of 31% on the second mid-term and subsequently filed a petition for late withdrawal without academic penalty on March 10, 2000. The petition was denied. The reason given was that by the drop deadline, the student was in a position to assess her performance in the course, having already written a mid-term as well as 12 of the 13 weekly assignments, and having received grades for 8 of those.

The student appealed to the Scarborough Subcommittee. She argued that she went to great lengths to improve her performance in the course, and still believed that she had a reasonable chance of passing the course. Further, she took seriously the decision of whether to drop the course, as it was necessary for her program of choice. She argued that if the strike had not occurred, she would have written the second mid-term by the drop deadline and would have been in a much better position to assess her performance. Underlying her argument is the student's reliance on tutorial assistance, which was not available to her during the strike.

The Scarborough Subcommittee denied the appeal on the basis that the student had not been adversely affected by the strike. The members found that she still had a reasonable chance of passing the course, and that she had sufficient information on which to base a decision to withdraw from the course prior to the drop deadline.

The student did not pass the course, receiving a final grade of 38%. The student took an equivalent course during the Summer 2000 term and received a mark of 60%. The student was again denied entry into the BComm. The University provided evidence at the hearing that regardless of the outcome of this appeal, the student still does not have a cumulative average sufficient for admission for this program or its present incarnation.

The Committee respects the University's contention that the student's lack of a prerequisite placed the student in a perilous position. The Committee also respects the University's position that by the time of the drop date, the student had sufficient indication as to her likely academic performance. It is the opinion of the Committee that the student showed poor judgment in remaining in the course. She knew that she was taking a course without the necessary prerequisite; she knew that she relied heavily on tutorials and teaching assistance, both of which were unavailable to her during the strike; and she knew that math was her weakest subject. In fact, the student's grades in most of her other courses are quite respectable.

However, while the student was disadvantaged by the factors listed above, the Committee agrees with the appellant's contention that she may still have passed MATA28Y but for the disruption caused by the strike. It is conceivable that if the student had written the second mid-term, when it was originally scheduled, and before the drop-date, she would have been in a better position to

assess her performance. It is reasonable to assume that if the student had learned the same amount of material over four more weeks, she would have had the additional time and assistance she needed to pass the course. The student did not have high expectations for the course; she only wanted to pass. Further the student diligently applied herself to the material, both before, during and after the strike, seeking university-provided and private tutorial assistance. The student re-took an equivalent course this past summer and passed, which in the Committee's opinion offers evidence (admittedly evidence that was not available for the Scarborough Subcommittee to consider in its deliberations), that with diligence and no unforeseen disruption, the student could pass a calculus course.

It is an important guiding principle of the Academic Appeals Committee of the Governing Council that in all but the most extraordinary cases, late withdrawals after a failure has been recorded should not be granted. Retroactive withdrawals from failed courses are an extraordinary remedy. If routinely granted, they would undermine the accuracy and validity of university transcripts, which are relied upon by employers and universities as an accurate and truthful measure of a student's performance.

Nevertheless, in this case, the Committee concluded that the appeal should be allowed. It is difficult to quantify the effect of a Teaching Assistants' strike on any particular student. However for this student it may have proved insurmountable. While the Committee concludes that these circumstances are extraordinary, the Committee wishes to stress that the particular circumstances are very much a function of this appellant's unique characteristics and are not meant to diminish the standard by which late withdrawals for academic penalty are granted.

The appeal is allowed.