

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

REPORT NUMBER 241 OF THE ACADEMIC APPEALS COMMITTEE

March 17, 2000

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Friday, March 17, 2000, at which the following were present:

Professor Emeritus Alan Mewett, Acting Chairman
Mr. Michael Derzko
Professor John Mayhall
Professor Emmet Robbins
Dr. Alexander Waugh

Ms Susan Girard, Acting Secretary, Academic Appeals Committee

In Attendance:

Mr. J.L., the Appellant
Professor Gordon J. Anderson, University of Toronto at Mississauga

The student appealed from a decision of the Academic Appeals Board, Erindale College, University of Toronto at Mississauga, dismissing his appeal from a decision of the Committee on Standing refusing his petition for late withdrawal from two courses, MAT258Y (98W) and STA257H (98W). The student had petitioned to be allowed late withdrawal on the basis of personal difficulties he had encountered during the academic year. Although aware that these difficulties might have an adverse effect on his performance in these two courses, the student decided, in spite of advice from academic advisors, to continue in the courses and to write the final examinations and it was not until he received the marks in the two courses that he decided to seek permission for late withdrawal. In fact, he passed both courses, receiving a mark of 54% in one and 51% in the other.

As the hearing progressed, the Committee became perturbed, not by the substantive issues that the appeal raised, but by what were perceived to be grave procedural defects in what had occurred in the steps leading up to this appeal. The student had been aware of his right to appeal the original decision of the Committee on Standing and did so appeal, but for some inexplicable reason he was never told of the date of that appeal, nor was he ever given an opportunity to appear before the Academic Appeals Board to present his case. The appeal proceeded entirely in his absence.

Report Number 241 of the Academic Appeals Committee

In the letter sent to the student informing him that his appeal had been dismissed (there were actually two letters sent, the second one correcting the omission in the first one to any reference to STA257H – nothing of any substance turns on this), it is stated: “The Board does not grant appeals for withdrawal from courses in which credit has been given.” This is, in fact, incorrect. The “rule” or principle upon which the Board entertains appeals for late withdrawal is that the Board will not grant appeals for withdrawal from courses in which credit has been given, save in the most exceptional circumstances.

The Committee is of the opinion that these procedural defects resulted in prejudice, actual or potential, to the student. This Committee reiterates what it has stated in the past. Written reasons for decisions of Academic Appeals Boards must be given to students and those reasons must be accurate. Students are given the right to appeal to this Committee, and they can exercise that right intelligently only if they are correctly informed of the reasons for the decision they are appealing. Second, students must be notified of the time and place of academic appeals and be given the opportunity to attend and make representations.

In this particular instance, the Committee is aware that what occurred was out of the ordinary and occasioned by the absence of the usual secretary and her temporary replacement by another Secretary less familiar with the process. To compound this, the Chairman of the Academic Appeals Board was absent from the campus at the relevant time and was unable to check that proper procedures had been complied with. Nevertheless, the Academic Appeals Board should not have proceeded without ensuring that the student had been served with notice of the appeal and informed of his right to be present, and the student should have been correctly informed of the reasons for the decision.

This Committee therefore allows this appeal and grants the student’s petition that he be allowed to withdraw from the two courses, on the basis of the lack of procedural fairness in the proceedings below. It is, in consequence, unnecessary for the Committee to consider the substantive issue raised by the student, namely whether his circumstances are sufficiently “exceptional” that the College should have granted his petition for late withdrawal.

The Appeal is allowed.

Susan Girard
Acting Secretary

Alan W. Mewett
Acting Chairman

March 17, 2000