

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

REPORT NUMBER 244 OF THE ACADEMIC APPEALS COMMITTEE

March 30, 2000

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Thursday, March 30, 2000, at which the following were present:

Professor Kent Roach, Acting Chairman
Professor Christopher Barnes
Mr. Kashif Pirzada
Professor Emmet Robbins
Professor Ronald Venter

Ms Susan Girard, Acting Secretary, Academic Appeals Committee

In Attendance:

Mr. S.K., the Appellant
Ms Gina Argitis, Downtown Legal Services, for the Appellant
Ms Rebecca Case, Downtown Legal Services, for the Appellant
Professor Gordon J. Anderson, for the University of Toronto at Mississauga

The appellant, Mr. K., appeals a decision of the Academic Appeals Board of Erindale College, University of Toronto at Mississauga, made on September 9, 1999 to refuse his petition to permit late withdrawal from GGR 374F (92W), GGR 217Y, GGR 376S, STA 212S (93W), HIS 241F, HIS 242S, HIS 340Y (95W), HIS 313A (96W) and HIS 322Y (98W). The Appellant requested and was granted a closed hearing before this Board.

The Appellant, with the able assistance of counsel, recounted his academic and personal difficulties. They were also supported by letters from a physician who had been seeing Mr. K. since April of 1999, and a psychologist who has seen the Appellant since January 18, 2000. The physician diagnosed the Appellant with an adjustment disorder and depressive mood which manifested itself on an intermittent basis, usually related to situational stressors. The psychologist diagnosed the appellant as mildly depressed. Both of these letters were prepared subsequent to the September 9, 1999 decision being appealed from and were obviously not available for the Academic Appeals Board to consider. A letter from his instructor in HIS 322Y (98W) indicating that the Appellant did not attend her course and supporting his appeal for late withdrawal was also included.

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The Appellant started his academic career at Erindale College in 1988-89. He reported “feeling like an imposter” at university and stopped attending classes. Significantly, however, the Appellant withdrew from four of his five courses that year. After some time abroad, the Appellant returned to university in the 1990-91 academic year and succeeded in most of his courses. He started but withdrew from the 1992 Summer session. In the 1992/1993 Winter session, he enrolled in five courses, succeeding in most, but recording a mark of 8 in GGR 374F. In the 1993/94 Winter session, the Appellant enrolled in five courses, recording marks of 70 and 66 in two but failing GGR 217Y, GGR 376S and STA 212S with marks of 26, 35 and 9 respectively. After successfully completing a course in the 1994 Summer session, he withdrew from the 1994-95 Winter session. He again successfully completed a course in the 1995 Summer session but failed HIS 241F, HIS 242S and HIS 340Y in the 1995-96 Winter session with marks of 17, 0 and 0 respectively. He recorded another 0 in the 1996-97 Winter session in HIS 313A. In 1998, he successfully completed another history course but recorded a 0 in HIS 322Y in the Fall of 1998. He was then subject to a 3-year suspension which he seeks to have lifted by requesting retroactive withdrawal from nine failed courses that he took between 1992 and 1998.

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. On the information that was presented to them, we find no error in the Academic Appeal Board’s decision not to grant retroactive withdrawal from nine courses and the Appellant’s own documentation prepared for that hearing refers only to his own feelings of anxiety, guilt and underachievement, as well as other factors such as conflicts with various jobs. These factors alone do not justify the extraordinary remedy of a retroactive withdrawal, especially from nine courses taken from 1992 to 1998.

The Appellant has, however, presented new evidence to this Committee which relates both to recent medical diagnoses and treatment and to support from the instructor that his withdrawal from HIS 322Y be allowed. In addition, we were told that his 3-year suspension would prevent Mr. K. from being accepted to a law school despite the fact that he was written an LSAT in the 92nd percentile. Given these circumstances, this Committee is prepared to grant Mr. K. a retroactive withdrawal from HIS 322Y, which was taken in the Fall of 1998. This will also have the effect of lifting the 3-year suspension.

The Committee will not, however, grant the Appellant’s request for retroactive withdrawal from the eight other courses. This is a most extraordinary request that would fundamentally alter the nature of the student’s transcript. The medical evidence presented to us is not nearly detailed enough to support such a sweeping and drastic remedy, especially as it does not address the appellant’s state of mind in most of the years for which he requests a retroactive withdrawal. It is also clear to us that during his academic career, the Appellant has been able to function and, more to the point, make timely withdrawals from some of his courses.

The Committee wishes to note that appeals of this nature might be avoided if appellants were presented with an information package that encourages them to prepare all relevant evidence, including medical evidence, for a hearing before the Academic Appeals Board and that makes them aware that they can have assistance, including legal counsel. We also note that the

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Appellant was somewhat less than satisfied with the hearing he received before the Academic Appeals Board. The Committee is aware of the high volume of appeals faced by the Academic Appeals Board and the difficult job it faces. We do observe, however, that students might be better served if individual times were assigned for each hearing.

This Appeal is allowed in part.

Susan Girard
Acting Secretary
Academic Appeals Committee

Professor Kent Roach
Acting Chairman

March 30, 2000