

**UNIVERSITY OF TORONTO  
GOVERNING COUNCIL**

Report # 411 of the Academic Appeals Committee  
**November 26, 2020**

To the Academic Board  
University of Toronto.

Your Committee reports that it held an electronic hearing, conducted by Zoom on Monday, November 2, 2020, at which the following members were present:

**Academic Appeal Committee Members:**

Ms. Sara Faherty Chair  
Professor Salvatore Spadafora Faculty Governor  
Ms. Olivia Batt Student Governor

**Hearing Secretary:**

Ms. Krista Kennedy, Administrative Clerk, Office of Appeals, Discipline and Faculty Grievances

**For the Student Appellant:**

J.H. (the “Student”)

**For the Faculty of Applied Science and Engineering:**

Professor Thomas Coyle, Vice-Dean, Undergraduate Studies, Faculty of Applied Science and Engineering

**The Appeal**

[1] The Student appeals a decision of the Academic Appeals Board of the Faculty of Applied Science & Engineering (the “AAB”) of February 13, 2020 (the “Decision”) that denied the Student expungement of his U of T transcript, instead granting retroactive withdrawal (WDR) for all courses on his transcript from the Fall of 2005, Fall of 2006, and Fall of 2007. The Student is seeking complete expungement of his University of Toronto transcript, requesting the registrar to remove any evidence of his having been enrolled at the University during those terms, and the removal of the seven WDR he was previously granted during the Winter term of 2006.

**The Facts**

[2] The Student began his studies as a freshman in the Faculty Applied Science & Engineering in the Fall term of 2005. His path to the University was unhappy, and not entirely voluntary. He describes a traumatic and abusive relationship with parents who insisted that he apply to and enrol in the Faculty, despite his lack of interest in the subject. The language he uses to describe his

enrolling in the Faculty is chilling: He was “forced” to enter the program “against [his] will.” He reports that he was subjected to physical and emotional abuse and that he did not have any choice. A final terrible incident occurred on January 12, 2006, the day the Student’s parents drove him back to the St. George campus to commence the second term of his first year of studies. It ended with police involvement and an emergency services hospital report, and it appears to have ended the Student’s term—his transcript shows “WDR” for the 7 courses he had enrolled in for the Winter, 2006 term. Apparently the Student made a successful and timely request to withdraw from his second semester of first year but he is now asking to have the record of those courses completely removed from his transcript. (As well as removing records of the courses he took the semester before that term and the two Fall terms following that term.)

[3] The impetus for the request expungement of these four semester’s classes is the Student’s desire to start his post-secondary academic career over again at a film school in the United States. He has been in touch with several schools, and he would like to apply as a freshman, with no prior University experience, rather than as a transfer student.

[4] His eligibility to apply as a freshman will determine how many years he can spend at the institutions he wants to attend. One of the schools, his first choice, would require him to complete four semesters at another school, and would then permit him to earn their two-year degree, rather than the four-year degree the Student wishes to earn. All of the schools’ policies will treat the Student as a transfer student if he has University level courses completed at another institution, and as a first year student if he does not. The Student prefers to be treated as a first year student, both because it will allow him to attend his preferred program for a full four years, and because he believes his chances of admission are better if he is considered as a first year student.

### **Previous Rulings:**

[5] On February 12, 2020, the Academic Appeals Board of the Faculty of Applied Science & Engineering met to review the Student’s appeal of an earlier petition decision. The next day Professor Jason Foster, the Chair, wrote to the Student. Professor Foster wrote, “Extremely sympathetic to your circumstances, yet unable to expunge a student record, the AAB has rendered the following decision, which it hopes will help you achieve your goal:

Retroactive withdrawal (WDR) for all remaining courses on your transcript so that no grades—and, therefore, no credits—remain. In the same letter Professor Foster offered to have the Faculty Registrar, Don MacMillan, provide the Student with a letter to include in his applications to note that due to exceptional circumstances, the Faculty granted him a late withdrawal from all courses and that he retains no credits.

[6] The Faculty of Applied Science & Engineering’s AAB letter ended by informing the Student he could appeal their decision.

### **Decision**

## *Feasibility*

[7] This appeal draws into question the integrity and purpose of registrarial records. The Student is convinced that having his records at this University completely expunged would be preferable to having the courses noted on his transcript but having the grades he earned replaced with WDR. This is not supported by the communication he has had with the individual schools (see pages 8 to 13 and pages 38 to 47 of the Student's Notice of Appeal). While there was some back-and-forth clarifying the Student's history, ultimately the schools with which he communicated told him that they would not treat him like a transfer student if he did not earn credit at another University. The remedy the Faculty of Applied Science and Engineering has provided removes all academic credit from the Student's transcript.

[8] The Student is concerned that apart from his eligibility to apply under his preferred status, the facts of his previous enrollment makes him less competitive. The Student refers to remarks made by an unnamed educational consultant, whom he quotes as saying:

“I would be at a disadvantage if I disclose my brief enrollment at University of Toronto. This would affect how my application is viewed since I already have “college experience” or “have had chance at life already” in the eyes of admissions committee. This would reduce my chance of admission, even if I am eligible to apply as a freshman applicant. Furthermore, the admissions committee might be skeptical about my academic commitment and doubt that I will take education seriously.”

[9] It is not clear to your Committee that the Student's educational consultant is correct in their predictions about the impact of the Student's previous record. Admissions Committees are made up by multiple individuals, and each committee member at each school may have a different response to the Student's life history, especially depending on how the Student frames his experiences and what he's learned from them. More important, even if we agreed with the consultant, it does not follow that we can insulate the Student from the consequences of the facts of his previous enrollment. The Student is asking for a remedy that cannot reasonably be granted by the Academic Appeal Board. While we are equipped to protect the Student from the academic consequences of his past enrollments, it does not follow that we can require the Division to eradicate all traces of these attempts from the Student's record.

[10] The Faculty of Applied Science and Engineering's *Petition for Special Consideration* form that students complete offers them three named categories of relief: “Retroactive Withdrawal,” “Transfer to Part Time Studies,” or “Fees Adjustment.” There is a fourth category of “Other,” which is reasonable given the infinite variety of problems students face. However the inclusion of “Retroactive Withdrawal” indicates that this remedy is the contemplated relief for a student who wishes to address the problem of not having dropped a class in a timely manner. The Student checked the “Other” box, and wrote in “Removal of enrollment/academic record.” We think the Division's form of removal of the academic records of a course is captured by “Retroactive Withdrawal.” We have not seen evidence of a remedy of total expungement anywhere in the University's policies.

[11] Here the Faculty of Applied Science and Engineering has agreed to change the Students' grades to WDR, which treats this request as if it was made before the add/drop date in the term in which the course took place. This is a better outcome for the Student than a LWD would be. The Student wishes the division would go even farther and completely remove evidence of these courses from his transcript. This remedy pushes past the Governing Council's Transcript Policy, dated January 26, 2012, which tells us that the academic transcript "must include...an enrolment history, which traces chronologically the student's participation at the University." This aspect of the Faculty's record keeping is not academic in nature—it is meant to be a correct account of a student's enrollment. To remove evidence that the course was attempted would be to falsify the record. We can remove a record of student's academic performance, but we cannot undo the fact that the Student was enrolled in courses at the University of Toronto during the Fall of 2005, the Winter of 2006, the Fall of 2006, and the Fall of 2007.

[12] In a different policy statement, *Statement Concerning Change of Student Personal Information in Official Academic Records*, dated April 16, 2009, the University establishes that "the accuracy of students' academic records is fundamental to the integrity of the University's academic mission." Here, the Student would have us remove the record that he had even attempted fourteen courses over four terms. He actually earned 2.7 academic credits during that time. While his current desire to apply to some schools as a first year student makes him wish to delete the records of those credits, he may end up wishing to have those hard earned credits back at some future date—the University cannot erase and replace its records depending on what benefits a former students' current pending applications. While the division can agree that the marks he earned are not reflective of his academic ability, which the Student has well documented, it should not create the false impression that he was not enrolled at the University during those years.

### ***Meaning of Late Withdrawal Without Academic Penalty***

[13] The Student has provided persuasive documentation to show that he was pressured by his parents to enrol in the University of Toronto's Faculty of Applied Science and Engineering during the academic years of 2005-2006, 2006-2007, and 2007-2008. There is evidence of him being treated harshly, and of him having been mentally unwell as a result. This Committee is convinced that the grades on the Student's current transcript are not an actual reflection of his academic ability, and believe that the Faculty of Applied Science and Engineering acted correctly when it agreed to remove those grades.

[14] The Faculty of Applied Science and Engineering has granted the Student one of the remedies he requested, and that remedy is a generous application of its policy. Your Committee notes previous Committee holdings, including Decision #375 which reads:

"Your Committee has on a number of occasions dealt with petitions for late withdrawal from a course without academic penalty and has consistently stressed that this remedy will not be lightly granted. The remedy of late withdrawal without academic penalty is an extraordinary remedy, reserved for unusual and unique situations. The idea of "drop dates" indicates that the University expects that a student will make a decision whether to continue in a course by a set date in the term. But by the drop date, a student is expected to have assessed his or her situation

and made a decision. Once the drop date passes, the implication is that the student has decided to continue on in the course. Exceptions to this policy are rare, but could include situations where unexpected and unforeseeable circumstances occur after the drop date, where already existing circumstances become unpredictably worse, or where already existing circumstances do not reasonably resolve.”

### ***Impact of Remedies***

[15] Even if this Committee is wrong about the reasonableness of the Student’s request to permanently expunge the record of his attempts to take courses during three different academic years, the Faculty’s decision that it would not pursue that remedy should stand. Total erasure of academic attempts is not a remedy offered by this University. While divisions may enter WDR or LWD marks to protect students from the academic consequences of courses they took when their ability was impaired, the University transcript policy does not offer an option to remove any trace of those courses. The Student wants the Division to alter its records to show that he was never at the Faculty of Applied Science and Engineering so he can create the impression to other institutions that he has never attended University. The Division has instead offered a remedy that removes the academic consequences of his being here without complete expungement. The same remedy has been given to other students with similar issues and documentation. It would be inappropriate for this Committee to direct a division to grant a remedy that violates the integrity of its records. This is especially true when the Division has provided a standard remedy, consistent with the treatment of countless other students at this University, that creates a pathway to the result the Student desires.

[16] The Student’s submissions show that three of the schools he is interested in agree that with WDR marks he can apply as a first year student. The Student argued that the differing responses he received from various staff members at a number of US schools means that he cannot rely on the ultimate responses he received. We disagree. It is not unusual for the staff to give a standard answer to complicated questions. In this case, the Student asked sometimes opaque questions, and then correctly elevated his request after receiving negative initial responses from staff members of the Universities to which he plans to apply. By the end of his string of communications, he had arrived at a different, favourable response from the schools with which he communicated. We have no reason to doubt those final responses, especially in light of the fact that the Registrar of the Faculty of Applied Science and Engineering has confirmed those responses.

[17] The Faculty of Applied Science and Engineering is clearly sympathetic to the Student’s situation, and worked hard to find a workable solution to his problem. This Committee believes it found a remedy that has virtually the same impact as expunging the records. Its efforts on behalf of the Student go beyond a typical response for changes to a transcript. Here, the Registrar connected with three of the schools to which the Student wishes to apply, and made a direct offer to the Student to provide him with a letter explaining his situation and the University of Toronto’s reasoning for granting Withdrawals in his case. At least three of the US schools have confirmed that the solution proposed by the Registrar will allow the Student to apply as a first year student. See the email dated November 21, 2019 from University of California, Los Angeles; the email dated November 19, 2019 from the University of Southern California; and the email dated November 22, 2019 from New York University.

[18] For the reasons outlined above, your Committee affirms the decision of the Academic Appeals Board of the Faculty of Applied Science and Engineering dated February 13, 2020. The Board's decision was a correct and generous application of its policies.

[19] The appeal is dismissed.