

**UNIVERSITY OF TORONTO  
GOVERNING COUNCIL**

Report #446 of the Academic Appeals Committee  
January 16, 2026

To the Academic Board  
University of Toronto

Your Committee reports that it held a hearing on Thursday, November 20, 2025, at which the following members were present:

**Academic Appeal Committee Members:**

Sara Faherty, Chair  
Professor Adam Stinchcombe, Teaching Staff Governor  
Kevin Li, Student Governor

**Hearing Secretary:**

Carmelle Salomon-Labbé, Associate Director, Office of Appeals, Discipline and Faculty Grievances

**For the Student Appellant:**

C.A. (the “Student Appellant”)

**For the School of Graduate Studies:**

Professor John Peever, Vice-Dean, Students

**I. Overview**

The Student Appellant is challenging the program requirements of the Master of Engineering Degree conferred by the Faculty of Applied Science and Engineering (Civil Engineering). The program requires students to enrol in at least five courses at the University of Toronto Institute of Aerospace Studies (UTIAS). The Student Appellant was aware of this obligation yet enrolled in more out-of-division courses than UTIAS courses. He petitioned to be allowed to graduate despite this imbalance. Your Committee thanks the Student Appellant and Vice-Dean Peever for their written submissions, their attendance at the hearing, and for their assistance in understanding the complicated issues and arguments raised in this appeal.

**II. Facts**

The Student Appellant was enrolled and has since graduated from the UTIAS Master of Engineering program (the “program”). The program structure requires students to complete ten half-year courses. Students are permitted to count five out-of-division courses toward this degree, but a minimum of five half-year courses must be taken at the UTIAS. These UTIAS courses are designated as Aerospace or Robotics courses (“AER” or “ROB”) and are sometimes referred to as “core courses.”

Between Fall 2021 and the end of Summer 2023, the Student Appellant completed five half-year courses offered at various departments other than the UTIAS. During those first six terms he did not complete any courses offered at the UTIAS.

In the Fall 2023 term, the Student Appellant enrolled in four half-courses, two of which were offered at the UTIAS. In October, the Program Administrator wrote to the Student Appellant, noting that he had already completed five half-courses outside the UTIAS and reminding him of the requirement that he complete five half-courses offered by the UTIAS. The Program Administrator recommended against enrolling in additional non-UTIAS courses if the Student Appellant wished to remain on track for program completion in Summer 2024. (Email from Jaimini Mangrue to the Student Appellant, October 17, 2023). In January of 2024, the new UTIAS Graduate Coordinator wrote again, suggesting that the Student Appellant comply with Ms. Mangrue's suggestion that he replace any MIE courses he was currently enrolled in with AER/ROB courses, and reminding him that there was only one technical course offered during the summer term.

The Student Appellant successfully completed three of his Fall 2023 half-courses, including one of the half-year courses offered at the UTIAS. In the remaining half-year course offered at the UTIAS (ROB501H), the Student Appellant initially received a failing grade. The Student Appellant subsequently approached Accessibility Services regarding certain disability-related challenges, and Accessibility Services confirmed the Student Appellant's need for testing accommodations in a letter dated February 16, 2024.

In light of this need, the Vice-Dean for Students, School of Graduate Studies, retroactively approved a late withdrawal without academic penalty notation in ROB501H (and in two half-courses offered outside the Institute).

The following semester, Winter 2024, the Student Appellant enrolled in two half-year courses offered at the UTIAS and in two courses offered at other departments. In a January 2024 email, the Program Administrator again reminded the Student Appellant of the requirement to complete a total of five half-year courses offered at the UTIAS, and "strongly recommend[ed]" to the Student Appellant that he replace the non-AER/ROB courses in his Winter 2024 timetable with AER/ROB courses.

On February 5, 2024, after the School of Graduate Studies' add/drop deadline, the Student Appellant inquired about enrolling in an additional half-course offered at the UTIAS, but was told by the professor in that course that it was "far too late" in the term to do so because he had already missed "about 40% of the course material."

During the Summer 2024 term, the Student Appellant completed a fourth half-course at the UTIAS. The Student Appellant also completed three half-year courses offered at other departments.

At the end of Summer 2024, the Student Appellant had completed a total of fifteen half-year courses but still needed one more half-course at the UTIAS in order to meet the minimum requirement of five half-year courses offered at the Division granting the degree he sought.

#### *Student Appellant's request for a waiver*

During the summer, the Student Appellant wrote to Professor Groth to request that one of the half-courses he had completed outside the UTIAS be treated as a substitute for the outstanding AER/ROB half-course. On September 16, 2024, Professor Groth declined the request, writing, "I have decided that the policy of requiring MEng students to take 50% of their courses with either the AER or ROB designation is firm with no exceptions. As a result, you will be required to take [at least] another AER/ROB core course in order [to] fulfill this requirement." (Email from C. Groth to Student Appellant, September 16, 2024).

The Student Appellant appealed the decision to the Graduate Department Academic Appeals Committee (GDAAC). On October 15, 2024, Professor Damaren wrote to the Student Appellant to inform him of the GDAAC's decision, finding, "The committee noted that the UTIAS MEng program course requirements are clearly presented in the SGS calendar as well as in the documentation available on the UTIAS website. It was also noted that, in their opinion, the course requirements are reasonable for any student receiving a degree in Aerospace Engineering. Also, all other engineering departments at the University of Toronto have similar requirements. They also noted that you have been repeatedly reminded of the course requirements throughout your time at UTIAS." He concluded, "it is the unanimous opinion of the GDAAC that the Appeal be dismissed. I agree with the analysis of your claims by the GDAAC on both points. [] and concur with their conclusion that the appeal be dismissed." (GDAAC Academic Appeal decision, October 15, 2024.)

The Student Appellant next appealed the Divisional decision to the Graduate Academic Appeals Board (GAAB). There, the Student Appellant made several arguments:

- (1) The underlying rule to require five half-year courses be taken at the UTIAS is arbitrary and unfair because the out-of-division courses he took were academically equivalent to courses offered by the UTIAS.
- (2) The Student Appellant had been unfairly denied the opportunity to join a core course in the Winter of 2024.
- (3) The UTIAS's approval of a pre-requisite waiver the Student Appellant once received served as binding precedent that it can waive core courses.
- (4) And the UTIAS's failure to offer more core courses during the summer term unfairly deprived him of a timely opportunity to take the remaining core course.

In its decision, dated December 18, 2024, the majority of the GAAB found:

- (1) The argument about the program structure being unfair in its requirement that students take five courses at the UTIAS was a criticism of the wisdom of the rule, rather than an argument about the fairness of the way the rule was applied. The GAAB determined that academic program approval and review processes were the responsibility of the University and are not subject to review by the Graduate Academic Appeal Board.
- (2) That the Division had not been unfair in its reaction to the Student Appellant's failing a course in the Fall of 2023. While it reasonably denied him approval of joining a course that was well underway after the add/drop deadline had lapsed, the University retroactively accommodated the Student Appellant by changing the result in ROB501H to "late withdrawal without academic penalty"; and applied appropriate accommodations on future tests to mitigate the impact of the Student Appellant's disability.
- (3) Different considerations apply to the decision whether to grant a prerequisite waiver than to the question whether a student should be allowed to graduate without the prescribed minimum number of credits earned within the home department, and students' prior experience and courses taken elsewhere cannot replace instruction within the department.
- (4) The Student Appellant's criticism of the number and type of summer courses offered by the UTIAS does not come within the purview of the GAAB. And the majority of the GAAB panel did not think it appropriate to ascribe the Student Appellant's predicament to departmental "inflexibility" (here, its limited summer course offerings) when the Student Appellant was repeatedly made aware of the requirement to take at least a certain number of courses within the Division.

There was a dissenting opinion at GAAB. Two members of the panel were not satisfied with the departmental representative's explanations and justifications for the Division's policies and believed that

in the absence of clear and transparent explanations from the Division it was unfair to strictly apply the requirement of a fifth core half-course on the Student Appellant.

### **III. Additional Facts (Since the GAAB decision of December 18, 2024)**

During the Fall term of 2024 (at the same time the appeal to the GAAB was being argued and decided), the Student Appellant was enrolled in a fifth half-year course offered by the Institute: AER1216H1 *Fundamentals of Unmanned Aerial Vehicles*. He passed the course, earning a B-. His Master of Engineering—Institute for Aerospace Studies was conferred in June of 2025.

In light of this development, the Division raised the point that the appeal is now moot. (Email from Vice-Dean Peever to Student Appellant dated April 14, 2025.) The Student Appellant replied that he does not think the issue is moot, raising two points. First, “[t]he issues I raised pertain to broader procedural and accommodation-related concerns that extend beyond a single course outcome. A hearing would provide an opportunity to formally address these matters, ensure institutional accountability, and help clarify how similar situations may be approached in the future in a timely manner.”

Second, “[a]dditionally, I am currently exploring legal remedies outside the University, and as part of that process, I must demonstrate that I have exhausted all internal avenues of recourse.” (Email from Student Appellant to Vice-Dean Peever, dated April 14, 2025.)

On May 13, 2025, the School of Graduate Studies made a motion to dismiss this appeal on the grounds of mootness without an oral hearing. That motion was dismissed in a Motion Decision made by a different Chair on June 5, 2025.

### **IV. Decision**

The decision of the Supreme Court of Canada in *Borowski v Canada (AG)*, [1989] 1 S.C.R. 342 establishes “if, subsequent to the initiation of the action or proceeding, events occur which affect the relationship of the parties so that no present live controversy exists which affects the rights of the parties, the case is said to be moot.” Courts decline to decide such cases “unless the court exercises its discretion to depart from its policy or practice.” [*Borowski*, para 15].

The then Chair of your Committee chose not to dismiss the case for mootness without a hearing. He summarised the Student Appellant’s argument in different terms than the ones set forth in the April 14 email exchange with Vice-Dean Peever. The Student Appellant’s response to the *Motion to Dismiss* was to argue that the issue was not moot, but rather a live controversy [that] still remains beyond the conferral of the degree. The Student Appellant asserted that the B- grade for AER1216 on his transcript adversely affects his GPA. If this Committee were to uphold his appeal and find either that his non-UTIAS courses should have been substituted for the core-course requirement or that the core-course requirement should have been waived in light of the pre-requisite waiver for AER1216, he would have been entitled to graduate without needing to take AER1216. The Student Appellant asserts that transcripts remain amendable after graduation. Were your Committee to uphold his appeal, he would then be in a position to petition UTIAS or to remove AER1216 from his transcript.

The Chair, denying the motion for a dismissal without a hearing concluded, “[w]ithout commenting on the merit of this submission, I acknowledge that the Student has identified a remedy beyond merely graduating that, should this Committee find in his favour, would be open to him to pursue, namely, petitioning UTIAS to remove AER1216 from his transcript. I am thus not prepared to accept without an oral hearing SGS’s submission that the result of appeal will affect neither his transcript nor the conferral

of his degree. It appears that this Committee’s ruling may affect the Student’s transcript, even if it will not affect the conferral of his degree.”

The Chair expressly pointed out that he was not making a decision on the mootness issue, but merely declining to decide the mootness issue without a hearing, concluding, “Rather, your Committee will rule on the question of mootness following an oral hearing.”

The mootness issue must be decided before any of the others, because if your Committee finds the issue to be moot and decides not to exercise its discretion to hear it any way, then the other issues will not be reached.

The Division’s argument is straightforward: the argument about whether the Student Appellant should be required to take five core courses from the UTIAS is moot because the Student Appellant has now taken and completed a fifth core course and has now met that requirement. His degree has been conferred. It further asserts that none of the relevant criteria that would allow your Committee to exercise discretion to decide a moot issue applies to the Student Appellant’s case.

Your Committee agrees that the issue originally raised by the Student Appellant is now moot. He requested several different remedies (to have the requirement waived, to be allowed to substitute an out-of-division course for a core course, for this Committee to find that he had been unfairly deprived of the ability to join a course late in the winter term of 2024, or of the ability to take multiple summer courses.) None of those requested remedies is any longer relevant—the issue is moot.

Having found the issue to be no longer a live controversy, your Committee is permitted, under *Borowski*, to decide the issue despite its mootness only under three very specific conditions.

First, judicial bodies can decide moot issues if there is still a meaningful adversarial context presented by the facts. [*Borowski*, para 31]. The Student Appellant suggests that there is still a practical issue that affects him: namely that if this appeal were allowed, then the Degree he earned would no longer depend on the Fall 2024 course AER1216H1 *Fundamentals of Unmanned Aerial Vehicles*, and he would be free to petition to have that course removed from his transcript. He suggested that he might like to do this because the grade he received in that course, a B-, lowers his Grade Point Average (GPA).

Your Committee is not persuaded by that argument. *Borowitz* clarifies that hypothetical or abstract questions are not live controversies. Weak or strategic adversarial issues cannot support a panel’s going ahead and determining issues that have already been resolved. The Student Appellant’s suggested remaining “practical” issue seems remote, hypothetical, and extremely unlikely. The School of Graduate Studies does not lightly allow students to remove courses from their transcripts. The argument of doing so because the course lowers a student’s GPA is not recognised as a reason to alter a student’s academic record and remove evidence of an attempted course.

Students can petition to drop a course after the add/drop deadline if they are facing unforeseeable extenuating circumstances. The Student Appellant makes no such claim. As a general policy, course withdrawals are not allowed once a student has completed a course. In rare cases where students can demonstrate that they should have received academic accommodations in a course and credibly assert that the grade they earned was not a valid reflection of their academic achievement, retroactive late withdrawal has been granted, but no such claim is being made regarding AER1216H1. Asserting that he wishes to have the course removed so that he can continue to pursue a principled argument that he should have been allowed to substitute an out-of-division for a core course requirement toward his degree would not be recognised as a valid reason to erase a course from the Student Appellant’s transcript.

The Student Appellant also argued that he is pursuing remedies outside the University, and must show he has exhausted all remedies. This argument cannot justify your Committee in deciding a moot issue. Rather, the finding that the issue is now moot should be considered the Student Appellant's having exhausted the remedies available at the University. These arguments seem ephemeral to your Committee and do not create a genuinely adversarial relationship between the Student Appellant and the UTIAS.

The second circumstance *Borowitz* lists for a judicial body to hear a case where the issue is resolved is when hearing the case would be a sensible use of judicial resources [*Borowski*, para 34]. If an issue is of a recurring nature but brief in duration, and likely to arise again in the future, then a court can decide it despite its mootness, thereby setting precedent for future recurrences of the issue. [*Borowski*, para 36]. That is not the case here. No evidence at the hearing suggested that the issues presented by this case are either fleeting or recurring.

The Student Appellant suggested that he was raising accommodation-related concerns that affect other students. By the time the Student Appellant enrolled in his final courses in this program he was being appropriately accommodated. Nothing raised at the hearing suggested that the Student Appellant's matter is of public importance or general public interest.

Finally, the third reason a panel can hear arguments about a dispute that has been resolved is that doing so would not displace the rightful role of a different legitimate institutional rule maker. This is because "[p]ronouncing judgments in the absence of a dispute affecting the rights of the parties may be viewed as intruding into the role of the legislative branch." [*Borowski*, para 40].

At the University of Toronto there is a robust system for reviewing new academic programs and academic programs are regularly updated and reviewed under the University of Toronto Quality Assurance Process. In both of those situations, faculty and administrators with subject matter expertise and deep knowledge of the institutional norms and values at the University of Toronto propose and review program requirements. A purely advisory, general opinion coming from this Committee would be a weak and inappropriate replacement for those processes.

## **V. Conclusion**

Given that your Committee finds the controversy between the Student Appellant and the UTIAS has been resolved, and not finding any justification for exercising discretion to decide these matters, this appeal is dismissed.

**UNIVERSITY OF TORONTO  
GOVERNING COUNCIL**

**BETWEEN:**

**C [REDACTED] A [REDACTED]**

Appellant

**AND**

**SCHOOL OF GRADUATE STUDIES**

Respondent

**Motion Decision on Mootness**

**Chair:** Professor Richard Stacey

**For the Appellant:**

C.A. (the “Student”)

**For the School of Graduate Studies:**

Professor John Peever

Your Committee is seized of a preliminary matter arising in a student’s appeal from a decision of the Graduate Academic Appeals Board (‘GAAB’).

The School of Graduate Studies (‘SGS’) has requested that your Committee dismiss the appeal on the grounds of mootness without an oral hearing. In the event that your Committee finds the appeal should not be dismissed for mootness without an oral hearing, SGS has requested a three-week extension to file its submissions on the merits of the appeal.

The oral hearing for this appeal was originally set down for 13 June 2025.

**Decision**

1. SGS’s application to dismiss the appeal for mootness without an oral hearing is dismissed.
2. SGS’s request for a three-week extension from the date of this decision to file submissions on the merits is granted:
  - a. SGS must file submissions no later than 27 June 2025;

- b. The student must file a reply, should he wish to do so, no later than 11 July 2025;
  - c. An oral hearing before your Committee will be scheduled no earlier than 18 July 2025, subject to the parties' and members of your Committee's availability.
3. In addition to arguments on the merits of the appeal, the parties are invited to prepare arguments addressing the question of mootness in light of the reasons set out below.

## **Background**

The Student was enrolled in the UTIAS Masters of Engineering (M.Eng) program from Fall 2021 to Fall 2024. UTIAS requires students enrolled in its M.Eng program to complete 10 half-courses, of which at least seven must be technical and of which at least five must be offered by UTIAS itself. The courses that comprise this second requirement, which your Committee refers to as the 'core-courses requirement', bear the course prefix AER or ROB.

During the Fall 2023 semester UTIAS wrote to the Student reminding him of the core-course requirement, noting that he had passed five non-UTIAS courses (i.e. courses that did not contribute to fulfilling the core-course requirement), and recommending that he not enroll in any further courses other than UTIAS's core course offerings. In addition, UTIAS informed the Student that students enrolled in the M.Eng program are not permitted to complete more than 10 courses, unless they are pursuing the 'elite' emphasis (email from J. Mangrue to Student, 17 October 2023, appeal package ('AP'), p. 30). There is no indication in the record or the parties' submissions that the Student was pursuing the 'elite' emphasis.

By the end of the Summer 2023 semester, the Student had completed zero AER or ROB courses and had thus made no progress towards fulfilling the core-course requirement (transcript, AP, pp. 38-39). During the Fall 2023 semester, the Student took two courses that would fulfil the core-course requirement: AER1515H and ROB501H. The Student failed ROB501H (email from C. Groth to Student, 19 January 2024, AP p. 31).

In the Winter 2024 semester, the Student enrolled in AER1217 and AER1516, two courses contributing to fulfilling the core-course requirement. He passed both of these courses (transcript, AP p. 40)

It is relevant in this regard that AER1217 has a pre-requisite course, AER1216. At the time, the Student had not completed AER1216 but was granted permission by the

instructor in AER1217 to enrol in the course without having completed AER1216. An email exchange between the Student and the instructor, Professor Hugh Liu, confirms this (email from H. Liu to Student, 28 August 2024, AP pp. 27 and 37).

Meanwhile, during the Winter 2024 semester, UTIAS corresponded with the Student about the core-course requirement. On 19 January 2024, the UTIAS Graduate Coordinator, Professor Clinton Groth, wrote to the Student to flag concerns about his academic standing (email from C. Groth to Student, 19 January 2024, AP pp. 31-32). The email includes the text of an earlier, undated email sent by Jaimini Mangrue, indicating to the Student that, at that point, he needed four more AER/ROB courses to fulfil the core-course requirement and complete the M.Eng program. That email also advised the Student of various course offerings into which he could enrol in order to meet the core-course requirement, including AER1810, offered during the Summer 2024 semester.

In February 2024 the University's Office of Accessibility Services concluded that the Student has suffered from a permanent disability since January 2023 that requires testing accommodations (Accessibility Services decision, 16 February 2024, AP p. 42). At around the same time, the Student attempted to enrol in AER1410 for the Winter 2024 semester but was informed by the instructor that it was 'far too late' to register (email from C. Steeves to Student, 6 February 2024, AP p. 44).

In April 2024 the School of Graduate Studies ('SGS') retroactively approved the Student's late withdrawal without academic penalty from three courses he had failed, including ROB501H in Fall 2023 (email from J. Peever to Student, 24 April 2024, AP p. 43). SGS's decision to do so was in recognition of the unaccommodated accessibility challenges the Student may have had between January 2023 and February 2024, when Accessibility Services recognised his permanent disability.

The Student took and passed AER1810H during the Summer 2024 semester. At that time, this was the fourth core course he had passed, meaning he would not be able to graduate the M.Eng program without taking one more AER/ROB course.

## **Decisions below**

### *The UTIAS decision*

Around about the end of the Summer 2024 semester, the Student wrote to Professor Groth in his capacity as UTIAS Graduate Director. The date of this email does not appear from the AP. The gist of the Student's email was to ask the Graduate Director if the Student could graduate without completing five AER/ROB courses.

The Student put his request in two quite different forms. First, he asked that the Graduate Director ‘explore the possibility of substituting one of the additional technical elective courses...in place of this core course’ (email from C. Groth to Student, 16 September 2024, AP p. 25). Your Committee refers to this as the ‘substitution argument.’

Second, the Student noted that his instructor for AER1217, Professor Liu, had waived completion of AER1216 as a pre-requisite for enrolling in AER1217. Your Committee understands the argument here to be that, because Professor Liu recognised the Student already had the foundational knowledge he would have acquired had he taken AER1216, UTIAS should similarly recognise that he did not need to complete a fifth core course in order to satisfy the educational objectives of the core-course requirement. Your Committee refers to this as the ‘waiver argument.’

Professor Groth declined the request, stating as follows (email from C. Groth to Student, 16 September 2024, AP p. 24):

I have decided that the policy of requiring MEng students to take 50% of their courses with either the AER or ROB designation is firm with no exceptions. As a result, you will be required to take last another [sic] AER/ROB core course in order fulfill this requirement.

Professor Groth’s confirmation that the core-course requirement amounts to a firm policy that admits of no exceptions rejects both the substitution and waiver arguments.

#### *UTIAS Graduate Department Academic Appeals Committee decision*

The Student appealed the UTIAS decision to the UTIAS Graduate Department Academic Appeals Committee (‘GDAAC’) on 7 October 2024. The notice of appeal revives both the substitution and waiver arguments.

The GDAAC dismissed the appeal unanimously (letter from Prof C. Damaren to Student, 15 October 2024, AP pp. 19-20). Your Committee summarises the GDAAC’s reasons as follows:

1. The core-course requirements of the M.Eng program are clearly and transparently set out in documentation available on the UTIAS website and on the SGS calendar. The Student was reminded on several occasions about the core-course requirements.
2. The core-course requirements are reasonable and are comparable to the core-course requirements at other engineering departments at the University of Toronto.

3. A pre-requisite waiver is intended to recognise that students entering the M.Eng program at UTIAS will come with a variety of educational backgrounds and prior qualifications. Some students will be in a position to take more advanced courses without completing pre-requisites, while others will have to complete those pre-requisites. Having been granted permission to enrol in AER1217 without having taken the pre-requisite AER1216 because of prior education does not, however, amount to a conclusion that the Student has effectively completed a course that would satisfy the core-course requirement. A pre-requisite waiver does not justify changes to the degree requirements.

While the GDAAC reasons provide an answer to the waiver argument, it does not appear that they provide a direct answer to the substitution argument.

### *GAAB Appeal*

On the same day that the GDAAC decision was released, the Student filed an appeal with the GAAB (GAAB Notice of Appeal, AP pp. 15-18). The Student did not raise any new arguments, and again indicated that the remedies he was seeking were a waiver from the remaining AER/ROB course requirement, or a substitution for that final AER/ROB requirement by one of the non-core courses he had completed.

Professor Damaren responded to the GAAB appeal on 16 November 2024 (letter from C. Damaren to A. Plata, 16 November 2024, AP pp. 28-29). In this letter, Professor Damaren offered a direct response to the substitution argument: substituting non-UTIAS courses for the core AER/ROB courses is not allowed because it would compromise the academic and professional integrity of the highly specialised aerospace and robotics M.Eng program

The Student replied to Professor Damaren's letter on 25 November (Student's letter to GAAB, 25 November 2024, AP pp. 33-36). The contents of this response can be summarised as follows:

1. Academic equivalency

The Student asserts that many of the non-UTIAS courses he has completed are 'comparable in content and rigor to UTIAS/ROB [sic] courses'. This is a version of the substitution argument. The Student goes on:

The overlap in academic material between these courses and those offered by UTIAS indicates that I have met, if not exceeded, the technical and academic proficiency expected from the AER/ROB curriculum (Student's letter to GAAB, 25 November 2024, AP pp. 34).

The Student does not identify which non-AER/ROB courses and core AER/ROB courses are equivalent, nor offer any details explaining this equivalency. The Student also asserts that Professor Damaren's position that refusing substitution of the core-course requirement maintains the program's integrity is a 'strict interpretation' that 'overlooks [his] overachievement' in completing non-UTIAS courses.

2. Efforts to meet course requirements

The Student indicates that following advice from UTIAS he attempted to fulfil the core-course requirement. He enrolled in ROB501 in Fall 2023 – the course he failed and for which he was ultimately granted late withdrawal without academic penalty. He also indicates that he completed three other courses in the Fall 2023 semester and earned A grades for all of them (Student's letter to GAAB, 25 November 2024, AP p. 34). Note that this appears to be incorrect: the Student's transcript indicates that he earned grades of A- for CSC2541 and B+ for AER1515 and RSM2314.

The Student explains that his poor performance in ROB501 was due to the fact that he was suffering from a permanent disability for which he had not yet been accommodated. He indicates that his disability did not affect his performance on the other courses because they did not involve evaluation methods that his disability impacts. The Student recalls that he attempted to enrol late in AER1410 during the Winter 2024 semester but was prevented from doing so by the instructor.

The Student's submissions here go to the proposition that his failure to fulfil the core-course requirements was not entirely his fault, both because he was suffering from an unaccommodated disability in Fall 2023 and because his best efforts to enrol in AER1410 were rebuffed.

3. Equal opportunity for UTIAS students

The Student remarks that while students in other engineering programs have numerous opportunities to fulfil core-course requirements because core courses are offered with more frequency, UTIAS students are at a disadvantage because UTIAS offers fewer such opportunities.

This difference in opportunity, the Student goes on, should justify a more flexible approach to the core-course requirements where students have failed to fulfil the core-course requirement (Student's letter to GAAB, 25 November 2024, AP pp. 34-35).

4. UTIAS mission statement

The Student refers to the UTIAS 'Director's message', which, the Student reports, highlights UTIAS's commitment to fostering a culture of academic and research while supporting student well-being. The Student submits that a mandatory core-course requirement is inconsistent with a 'commitment to promoting student development and success'.

5. Adverse consequences

Further, the Student argues that strictly enforcing core-course requirements stifles academic ambition by compelling students to meet formalities rather than expanding their knowledge. The Student goes on to note that such requirements discourage overachievement and send a message to students that ambitious academic goals are less valuable than meeting formal requirements.

6. University of Toronto academic policies

The University mission statement and the policy on academic accommodations for students with disabilities, the Student reports, both commit to ensuring students have reasonable opportunities to succeed without unnecessary hardship. The Student suggests that this commitment should translate into flexibility on the part of UTIAS, presumably with respect to the core-course requirements, for students who have 'demonstrated dedication and resilience despite significant challenges.'

*The GAAB decision*

A majority of a six-member panel of the GAAB dismissed the appeal, while a two-member minority would have allowed it and reversed the decision of the Graduate Coordinator of 16 September 2024 (GAAB decision, 18 December 2024, AP pp. 8-14).

The majority reasons address both the substitution argument and the waiver argument. The majority characterises the substitution argument not as a complaint that UTIAS applied its core-course requirements unfairly, but that those requirements are unfair at a policy level. The majority emphasised that the role of the GAAB is not to 'change Faculty policy but rather ensure that it was applied fairly and reasonably' (GAAB decision, 18 December 2024, AP p. 10).

The difficulty with the Student's substitution argument, the majority found, was that it amounts to a challenge to the wisdom of the rules governing the M.Eng program, but not about whether the rules were applied fairly to the Student. The GAAB confirmed that a University division's choices about which courses are required for the successful completion of a degree program are not subject to review by the GAAB. The majority

thus found that UTIAS's rules about which course must be completed in order to earn the M.Eng degree are not subject to review before the GAAB and rejected the substitution argument.

With respect to the waiver argument, the majority concluded that different considerations are relevant to determining whether a student can enrol in a single course without having completed the pre-requisite, and whether a student should be granted a degree without having fulfilled core-course requirements (GAAB decision, 18 December 2024, AP p. 11). Elaborating, it said:

The general purpose of prerequisites is to ensure that students are adequately prepared to benefit from the instruction offered in a course; thus, instructors often have the latitude to consider whether courses taken elsewhere or experience prior to program entry represent adequate preparation. A program rule requiring a certain number of credits to be earned within the home department rests on the idea that the department is offering a program of instruction, not a mere scheme for the certification of knowledge. Such a rule thus reflects a policy determination, which it is open to departments to make, that students' prior experience and courses taken elsewhere cannot, beyond a certain point, replace instruction within the department.

Responding to the Student's arguments about the challenges occasioned by his unaccommodated disability, the majority emphasised the Student was accommodated retroactively for his failure in ROB501 in that he was granted late withdrawal 'without academic penalty.'

The majority found that the delays and difficulties he has faced in completing the core-course requirements are the result of his own course selections rather than an effort on the part of UTIAS to stymie his progress.

In response to the argument that UTIAS students are unfairly disadvantaged compared to other engineering students, the majority noted that it is not open to the GAAB to question the appropriateness of the number, timing and type of courses that a division offers.

Finally, the majority did not respond directly to the Student's remaining arguments concerning inconsistency between the UTIAS core-course requirements, the 'Director's message' or the broader University's policies or mission statements. However, the majority's position that it is not open to the GAAB to question any division's academic rules applies equally to these complaints. In addition, the majority notes that every division's choices about core-course requirements are already subject to rigorous program approval and review processes within the University.

The minority reasons relied on two arguments to support its conclusion that the appeal should be upheld. First, it questioned the rationale for the core-course requirement, asking why five, rather than four AER/ROB courses are required to complete the M.Eng degree at UTIAS. The minority was of the view that UTIAS could not offer a satisfactory answer to this question about the wisdom of its program rules.

Second, the minority concluded that UTIAS had not explained why waiving the core-course requirement or allowing substitution would compromise the integrity of the M.Eng program.

The Student filed an appeal before your Committee on 12 March 2025.

### **Is the appeal moot?**

On 13 May 2025, SGS raised concerns before your Committee that the appeal is moot because, during Fall 2024, the Student completed the fifth and final core-course requirement (AER1216). He earned a B- for this course (SGS mootness application, 12 May 2025, p. 8). The remedy the Student has sought throughout these proceedings, SGS argues, was to be allowed to graduate despite his failure to complete the core-course requirements. Now that he has completed those requirements and will earn the M.Eng degree, SGS submits there is no remedy this Committee could grant that would alter the state of affairs. It appears that the Student is scheduled for convocation and will be granted the M.Eng degree on 17 June (Student's response, 26 May 2025, pp. 1 and 4).

In *Borowski v Canada (Attorney General)*, [1989] 1 SCR 342, the Supreme Court of Canada affirmed the general principle that 'courts may decline to decide a case that raises a purely hypothetical or abstract question' (at 353a). The general principle applies, the Court went on, 'when the decision of the court will not have the effect of resolving some controversy which affects or may affect the rights of the parties.' Your Committee recently confirmed that *Borowski's* statement of the general principle of mootness applies to academic appeals, adapted to the circumstances of your Committee (Report 439 of the Academic Appeals Committee, p. 4).

In this matter, SGS argues that since the remedy the Student seeks is the conferral of the M.Eng degree, and that degree will be conferred on 17 June, there is no ruling this Committee could make that would resolve any controversy between the parties. In an email to which the application for mootness was attached, the SGS Vice-Dean for Students, John Peever, submitted that '[b]ecause the appeal is moot, the result of the appeal will impact neither [the Student's] transcript nor the conferral of his degree (email from J. Peever to the Senior Chair, 13 May 2025).

The Student's response is that a live controversy still remains beyond the conferral of the degree. That controversy, he argues, is the presence of the B- grade for AER1216 on his transcript which adversely affects his GPA. If this Committee were to uphold his appeal and find either that his non-UTIAS courses should have been substituted for the core-course requirement or that the core-course requirement should have been waived in light of the pre-requisite waiver for AER1216, he would have been entitled to graduate without having to take AER1216.

The Student asserts that transcripts remain amendable after graduation. Were your Committee to uphold his appeal, he would then be in a position to petition UTIAS or SGS to remove AER1216 from his transcript.

Without commenting on the merit of this submission, I acknowledge that the Student has identified a remedy beyond merely graduating that, should this Committee find in his favour, would be open to him to pursue, namely, petitioning UTIAS to remove AER1216 from his transcript. I am thus not prepared to accept without an oral hearing SGS's submission that the result of appeal will affect neither his transcript nor the conferral of his degree. It appears that this Committee's ruling may affect the Student's transcript, even if it will not affect the conferral of his degree.

Your Committee's initial view of the matter is that the general principle articulated in *Borowski* is of no application, since there are *prima facie* grounds to believe that there is a controversy on which your Committee's decision may have some bearing. It is not appropriate to dismiss the appeal on the grounds of mootness without an oral hearing. Rather, your Committee will rule on the question of mootness following an oral hearing. Your Committee therefore invites the parties to include further submission on mootness, alongside submissions on the merits of the appeal, in light of these reasons.

### **Should an extension be granted?**

In making the application that the appeal be dismissed for mootness without an oral hearing, SGS requested that, in the event that your Committee dismisses the application, it grant a three-week extension (email from J. Peever to the Senior Chair, 13 May 2025).

The Student opposes this request for an extension. The Student sets out the six following reasons for opposing the extension:

- a. The deadline was clear, public and agreed upon;
- b. SGS has had sufficient time and legal support;
- c. This is a late-stage request to delay the process and appears tactically linked to mootness;

- d. Granting the extension would prejudice the Student's hearing rights;
- e. SGS still has time if the mootness application is denied;
- f. A pattern of delay would undermine integrity of appeals process.

There is substantial overlap in the arguments the Student makes under each of these reasons. Overall, his reasons for opposing the extension can be distilled to the following:

1. SGS has had sufficient time to prepare its case on the merits, will have time even if the mootness application is dismissed, and granting further time would create a disadvantage for the Student and compromise his fair hearing rights.
2. The mootness application and the request for an extension came at a late stage in the proceedings and will serve only to further delay resolution of the matter.
3. Delaying the hearing beyond the Student's convocation date risks rendering the matter 'moot by institutional delay, rather than merit'.

Your Committee responds to each of these grounds for opposing the request for extension in turn.

First, it is not clear how granting an extension, which delays the oral hearing at which both parties will have an opportunity to present arguments, will benefit SGS but disadvantage the Student. A fair hearing has been described by the Supreme Court of Canada as one that ensures 'an opportunity for those affected by the decision to put forward their views and evidence fully and have them considered by the decision-maker' (*Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817, para 22).

The Student will have the same opportunity to present his case to your Committee following a three-week extension, as he would have had were the hearing held on 13 June. Granting the extension does not compromise the fairness of his hearing, nor create an unfair advantage for SGS.

Second, the Student complains that the request for an extension and the mootness application itself came at a late stage in the proceedings. However, case law is clear that it does not lie in the mouth of those who have contributed to a delay to complain about delay (*Law Society of Saskatchewan v Abrametz*, 2022 SCC 29, paras 61-62, *Blencoe v British Columbia (Human Rights Commission)*, 2000 SCC 44, para 122). It appears from SGS's mootness application that it was only upon making inquiries into the Student's case that it learned that he had completed AER1216 in Fall 2024. Nothing in the record suggests that the Student informed anyone that, during the Fall 2024 semester, he was completing his fifth and final required core course.

Indeed, in September 2024, at the very moment the Student first made the waiver and substitution requests to Professor Groth, he would already have been enrolled in AER1216. At no point throughout the proceedings that followed – the GDAAC hearing and the GAAB hearing – did the Student reveal that he was enrolled in AER1216. Moreover, by the time the Student filed the appeal before this Committee on 12 March 2025, he would presumably have known that he had passed AER1216 and fulfilled the core-course requirement. And yet, the Student made no mention of this fact at any point, leaving it to SGS to conduct its own inquiries to discover this fact.

It may be that the mootness application was filed at an unfortunately late stage of the proceedings, but the lateness of that filing was at least in part due to the Student's own decision to keep the fact of his having completed AER1216 to himself.

Finally, the Student alleges that further delay will render this dispute 'moot by institutional delay, rather than merit', and that granting the extension will incentivise parties to 'stall in order to defeat live appeals by letting time run out'. Your Committee does not understand this submission. On one hand, the submission tends to undermine the Student's position on mootness: the Student seems to be suggesting that the matter will become moot if it is heard after he graduates on 17 June, and therefore that the oral hearing should not be delayed past that date.

However, since the Student is opposing the mootness application on the grounds that the core of this dispute is his academic transcript not the conferral of his degree, your Committee takes it this is not his position. As the Student himself says, since 'the grade and course can still be removed from [his] transcript – which remains amendable post-convocation', delaying the hearing past his convocation does not prejudice his ability to petition for the removal of the course from his transcript after graduation, should your Committee uphold his appeal. Rather, your Committee takes the Student's submission to be that delaying the hearing further is prejudicial in and of itself.

This submission has no merit. The Supreme Court of Canada has affirmed that 'delay, without more' does not require judicial intervention in an administrative process *Blencoe v British Columbia (Human Rights Commission)*, 2000 SCC 44, para 101). 'To constitute a breach of the duty of fairness, the delay must have been unreasonable or inordinate' (*Blencoe*, para 121). This is a contextual inquiry that depends on a range of factors including the nature of the case, the facts and issues, and whether the person complaining of delay has contributed to that delay (*Blencoe*, para 122).

The delay occasioned by granting SGS a three-week extension from the date of this decision will result in a hearing on or about 18 July, roughly a month after the originally scheduled hearing date of 13 June. It should be borne in mind, as well, that the Student chose to wait nearly three months after the GAAB released the decision below on 18

December 2024 before filing an appeal before your Committee on 12 March 2025. In these circumstances, a delay of one month is not inordinate.

There are no reasons to deny SGS's request for an extension.

### **Conclusion**

The application to dismiss the appeal on grounds of mootness without a hearing is dismissed. The application for a three-week extension from the date of this decision for SGS to file submissions is granted. The Student's deadline for reply are varied accordingly. The timelines consequent upon this conclusion are set out above. The hearing initially scheduled for 13 June will be rescheduled.