



**FOR INFORMATION**

**PUBLIC**

**OPEN SESSION**

<b>TO:</b>	Academic Board
<b>SPONSOR: CONTACT INFO:</b>	Mr. Christopher Lang, Director, Office of Appeals, Discipline and Faculty Grievances, (416) 946-7663, <a href="mailto:christopher.lang@utoronto.ca">christopher.lang@utoronto.ca</a>
<b>PRESENTER: CONTACT INFO:</b>	See Sponsor
<b>DATE:</b>	May 21, 2026 for May 28, 2026
<b>AGENDA ITEM:</b>	13b

**ITEM IDENTIFICATION:**

Academic Appeals Committee, Individual Reports, Spring 2026

**JURISDICTIONAL INFORMATION:**

Section 2.1 of the *Terms of Reference of the Academic Appeals Committee* describes the function of the Committee as follows:

To hear and consider appeals made by students against decisions of faculty, college or school councils (or committees thereof) in the application of academic regulations and requirements and to report its decisions, which shall be final, for information to the Academic Board. The name of the appellant shall be withheld in such reports.

Section 5.3.4 of the *Terms of Reference of the Academic Board* provides for the Board to receive for information Reports of the Academic Appeals Committee without names.

**GOVERNANCE PATH:**

- 1. Academic Board [for information] (May 28, 2026)**

**PREVIOUS ACTION TAKEN:**

The last semi-annual report came to the Academic Board on November 13, 2025.

**HIGHLIGHTS:**

The purpose of the information package is to fulfill the requirements of the Academic Appeals Committee and, in so doing, inform the Board of the Committee’s work and the matters it considers, and the process

it follows. It is not intended to create a discussion regarding individual cases or their specifics, as these were dealt with by an adjudicative body, with a legally qualified chair and was bound by due process and fairness. The Academic Appeals Committee's decisions are based on the materials submitted by the parties and are final.

**FINANCIAL IMPLICATIONS:**

There are no financial implications.

**RECOMMENDATION:**

For information.

**DOCUMENTATION PROVIDED:**

- Academic Appeals Committee, Individual Reports, Spring 2026

**UNIVERSITY OF TORONTO  
GOVERNING COUNCIL**

Report #444 of the Academic Appeals Committee  
December 22, 2025

To the Academic Board  
University of Toronto

Your Committee reports that it held a hearing on October 23, 2025, at which the following members were present:

**Academic Appeals Committee Members:**

Cheryl Milne, Chair  
Dr. Laurent Bozec, Teaching Staff Governor  
Albert Pan, Student Governor

**Hearing Secretary:**

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

**For the Student Appellant:**

K.C. (the “Student”)

**For the Faculty of Arts and Science:**

Professor Randy Boyagoda, Vice-Dean, Undergraduate

**OVERVIEW**

K.C. (the Student) appeals the decision of the Associate Dean of the Faculty of Arts and Science, dated December 11, 2024, dismissing his appeal of the Department of Economics’ decision to deny the Appellant’s request to change his final grade in the course ECO421H1. The Student missed an in-class assignment due to his disability. He has requested that the Academic Appeals Committee grant a waiver for the missed participation assignment, followed by a regrade of the overall course performance by averaging the grades of similar in-class assignments that he completed. The Student argues that this waiver was the appropriate accommodation for his disability that would directly impact the final grade and therefore requests a re-evaluation to ensure the adjustment is accurately reflected. The Student argues that the instructor’s failure to engage with accessibility requests and provide a timely resolution deprived him of a fair opportunity to address this matter earlier.

## FACTS

The Student was enrolled in ECO421 in Fall 2020, with Professor Yoram Halevy. The Student was registered with Accessibility Services due to a disability. At the beginning of the semester, the Student provided his letter of accommodations from Accessibility Services to Professor Halevy, which letter included the following accommodations:

- May miss classes for disability related reasons - The student's disability may prevent attendance at some classes/lectures/labs. It is the student's responsibility to be aware of attendance and participation guidelines for the course and potential impact on grading. Prolonged absence from class or missing formal evaluations may require additional documentation and the student is responsible for providing this documentation.
- May require extensions for classwork assignments on a case by case basis for disability related reasons (extensions should be requested in advance of due date with usual extension maximum of one week). Extensions outside these guidelines must be negotiated and require an official Extension Request form to be submitted to the accessibility advisor for consideration and then further discussion with the professor.

On November 16, 2020, the Student missed an in-class assignment for a disability-related reason. He emailed the professor requesting instructions on how he could submit the assignment. In response, Professor Halevy advised that the assignment was an in-class experiment and could not be made up outside of class. He said that he wished to consult with the Student's Accessibility Advisor, Hannah Jackson to determine how best to proceed. The email correspondence between Hannah Jackson and Professor Halevy indicates that they spoke on November 20, 2020, about the possible accommodation for the missed assignment. This was followed by an email on November 26, 2020, from Ms. Jackson that stated:

After consulting with my team, we are requesting that the marks for the missed "Guess 2/3 of the Average" experiment are [sic] added to another upcoming assignment. I am aware that there are two upcoming assignments due on Sunday, November 29 as well as two papers due on December 9 and December 20 respectively.

Please let me know if you can approve this request.

Professor Halevy responded that he would "move the 1 point to the final paper (so it is worth 51%)." Professor Boyagoda for the Faculty of Arts and Sciences explained to the Academic Appeals Committee (AAC) that this was a misstatement and that in subsequent correspondence from Professor Halevy, he explained that he transferred the raw score of 1 point, not 1 percent to the final assignment thereby allocating the appropriate weight of the assignment to the final grade.

The Student, in response to the communication of this accommodation from Hannah Jackson, sent an email to Professor Halevy on November 30, 2020, asking that the missed mark be attributed to a subsequent in-class assignment but not the final paper. This was forwarded to Hannah Jackson by Professor Halevy. In further communication with Hannah Jackson, the Student noted that the value of the missed assignment was higher than 1% and requested an alternative accommodation through the removal of this assignment and an average grade be drawn from his previously completed experiments. This was communicated by email from Hannah Jackson to Professor Halevy on December 10, 2020. There was no further communication about this accommodation from Professor Halevy to the Student or Hannah Jackson.

The Student did not receive his final grade in the course until June 2022 because of extensions granted for the final assignment in order to accommodate his disability. He graduated with an Honours Bachelor of Science degree with High Distinction that month. He commenced his appeal of the final grade calculation within 90 days of receiving the final grade and after his graduation. This appeal was denied on July 5, 2023, on the basis that reasonable accommodation had been made. A further appeal was sent to the office of the Associate Dean of the Faculty of Arts and Sciences on September 25, 2023. The Student sent a follow-up in January 2024. An initial response was not received until September 2024 when another follow-up was sent by the Student. A decision was rendered on December 11, 2024. The reasons given for dismissing the appeal were the significant delay that resulted in the request being made post graduation and that in any event the accommodation was reasonable in the circumstances.

## **ISSUES**

### **Impact of the Delay**

The Student's appeal to the Department of Economics was initially denied on the basis that the re-grade request was outside the re-grade window, even if the assessment was missed for a disability-related reason. The Associate Chair did not accept the Appellant's position that the manner of accommodation was not decided until June 2022. Nonetheless, the Associate Chair reconsidered the request on its merits and determined that the accommodation afforded him was reasonable.

The passage of time was cited as a ground for the dismissal of the appeal of this decision to the Associate Dean of the Faculty of Arts and Sciences given that the appeal was being considered after the Student graduated and four years after the disputed accommodation. The appeal was commenced on September 25, 2023, but no response was made to the Student until after he contacted the Associate Dean's office again on September 16, 2024. The initial emails to the Associate Dean were missed in the monitoring of the inbox and thus, this delay cannot be

attributed to the actions of the Student. On September 24, 2024, the Associate Dean advised the Student of her decision noting the passage of time but determined that the appropriate procedures were followed and that the accommodation was therefore reasonable.

The Student asked for a reconsideration of this decision on October 17, 2024, and the Associate Dean agreed to make further inquiries. On December 11, 2024, the final decision regarding the Student's appeal was made by the Associate Dean again noting the delay of three years since the Student was made aware of the issue but finding that the Student had been provided with a reasonable accommodation in the circumstances.

At the hearing before the AAC, Professor Boyagoda for the Faculty did not argue that the delay rendered the appeal out of time. Instead, on behalf of the Faculty, he addressed only the reasonableness of the accommodation. However, it was acknowledged that a significant aspect of the delay was the lack of clear communication from Professor Halevy and the Accessibility Advisor in response to the Student's request for an alternative accommodation. There is no evidence that Hannah Jackson communicated directly with the Student after Professor Halevy forwarded the Student's request to her. In gathering the information for the appeal, the Associate Chair concluded that Professor Halevy never agreed to the request. If this had been made clear to the Student at the time, then he would have been in a better position to dispute the proposed accommodation with the assistance of the Accessibility Office, or to have it more clearly explained to him. However, despite any delay, the merits of the Student's appeal were addressed at each stage of the appeal process.

### **Reasonableness of the Accommodation**

The University is obligated to reasonably accommodate a person with a disability in accordance with the statutory duty arising from the Ontario *Human Rights Code*, RSO 1990, c H.19. The accessibility services office is one key support for students and faculty to facilitate academic accommodations. It is noted in the University's *Statement of Commitment Regarding Persons with Disabilities* (February 25, 2021) that accommodations depend upon a consultative relationship between members of the university community. Also noted are the University's commitment to academic freedom and the maintenance of its high level of academic standards. The University's policy respecting academic accommodations anticipates alternative evaluation formats which includes reweighing of assignments.

As noted in the excerpts from the Student's letter of accommodation, it was anticipated that the Student might miss class due to his disability and also might need extensions to complete assignments. Indeed, Professor Halevy did work collaboratively with the Student's Accessibility Advisor on a number of occasions to approve extensions of various assignments including the final assignment in the course. In correspondence with Hannah Jackson concerning the missed in-class assignment, the alternative of attributing greater value to a subsequent assignment

including the final paper was discussed as a reasonable accommodation. Professor Boyagoda, for the Faculty, argued that the instructor is afforded autonomy to determine alternatives to accommodating a student with a disability so long as the chosen alternative is reasonable.

The crux of the Student's argument is not the substitution of the learning experience that the in-class assignment afforded, but rather the outcome of the grade for the course. The Student's final grade in the course was 71% (B-), whereas the Student argued that if the accommodation were a waiver of the assignment altogether, his mark in the course would have been 73%. Professor Halevy in an email dated September 6, 2022, which was copied to the Student, explained that the calculation requested by the Student would have only increased his grade to 72% (B-). Thus, his grade point value and letter grade would have remained unchanged. His request for an alternative accommodation was primarily based on the concern that the professor had attributed too low a value to the assignment when adding it to the final paper, but this was adequately explained by Professor Halevy given the raw point attributed to the paper rather than one percentage.

It is unfortunate that communication with the Student about the accommodation decision left the Student unaware of Professor Halevy's rejection of the Student's request and mistaken about the weighting of the final paper. Clearer communication by both the Accessibility Advisor and the instructor could have alleviated much of the Student's concerns and at least provided him with certainty. It is anticipated that accommodations such as this, like extensions, are negotiated with the assistance of the Accessibility Office, but that the final decision is up to the instructor so long as it is a reasonable one. Professor Boyagoda noted that the instructor's approach to reweigh another assignment in substitution for a missed one is a common accommodation and argued that this was a sound pedagogical approach.

Ultimately, it is the AAC's conclusion that, as shown by the instructor's explanation of the weighting of the grade and the correspondence between the instructor and the Accessibility Advisor, this was a reasonable accommodation.

## **DECISION**

The appeal is dismissed.

UNIVERSITY OF TORONTO  
GOVERNING COUNCIL

Report #445 of the Academic Appeals Committee

January 16, 2026

To the Academic Board  
University of Toronto

Your Committee reports that it held a hearing on December 8, 2025, at which the following members were present:

**Academic Appeals Committee Members:**

Professor Ian B. Lee, Chair  
Professor Laurent Bozec, Teaching Staff Governor  
Jay-Daniel Baghbanan, Student Governor

**Hearing Secretary:**

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

**For the Student Appellant:**

X.Z. (the “Student”)

**For the Faculty of Arts and Science:**

Professor Randy Boyagoda, Vice-Dean, Undergraduate

**I — Overview**

The Student appeals from a decision of the Acting Vice-Dean, Undergraduate, Faculty of Arts & Science, Professor Don Boyes, dated June 19, 2025, terminating consideration of the Student’s request for a regrade of her final exam in PSY390 (Fall 2024).

The Student seeks two remedies. First, the Student asks that her exam be reread by the original course instructor, Professor Paul Whissell, and that the reread be conducted in accordance with certain conditions specified in her written submissions. Second, the Student requests a letter of apology from named representatives of the Department of Psychology (“Department”) and the Faculty of Arts & Science (“Division”).

The appeal is allowed in part. Your Committee has decided that the Student is entitled to have her final exam re-read, as she has complied with the requirements for obtaining a reread and has

not withdrawn her request. However, this rereading need not be by the original course instructor. The Department is entitled to select a different instructor with relevant expertise.

Regarding the second remedy sought by the Student, your Committee does not have jurisdiction to order the issuance of a letter of apology. This aspect of the appeal is dismissed.

## **II — Chronology**

The Student was enrolled in PSY390 in the Fall 2024 term. The method of assessment in the course had four components:

- an assignment (5%);
- a methods quiz (15%);
- a term test (35%); and
- a final exam (45%).

The Student received an overall mark of 77% in the course.

Although the present appeal concerns specifically the Student's request for a review of her final exam grade, the surrounding circumstances include a more general effort by the Student to obtain a review of each of her four course deliverables. The Student and the Division disagree about the characterization of the Student's pattern of communication with the course instructor about these matters, and about the reasonableness of the Department's response. As a result, your Committee finds it necessary to describe the relevant communications in some detail.

The communications can be organized into four time periods (all dates are in 2025):

- January 6-28: Request for review of marks on all four deliverables
- March 27-May 28: Exam viewing and preparation and submission of exam reread request
- May 29-June 5: Associate Chair's response to reread request
- June 10-19: Student's request for Dean's intervention; reread request closed

### **A — Initial request for review of marks on all four deliverables (January 6-28)**

By e-mails to the instructor dated January 6 and 10, the Student requested a review of the marks in each of the four course deliverables.

The Student's e-mail of January 6 requested that the instructor "review the final exam and the assignment again" (Division's Response Package ("RP"), p. 023). The professor responded on the same day, stating that he would perform an "addition check" on the grades for those course deliverables; he advised that a substantive grade review could only occur following an exam viewing, which becomes possible "a month or two after the course ends, once exams have been returned to the [Office of the Faculty Registrar]" (RP, p. 023).

- The Student's e-mail of January 10 requested a review of marks in the other two course deliverables — the term test and the methods quiz (RP, p. 027).

On January 16, the instructor wrote to the Student regarding all four course deliverables. The instructor reported that the Student's assignment grade was 100% before review and could not, therefore, be reviewed; and that the term test had already been reviewed during the term and could not be reviewed further. The instructor repeated his earlier communication that the final exam grade could only be reviewed after the exam viewing process, and that he would be "happy to do [the review] later" (RP, p. 026). Finally, regarding the methods quiz, the instructor raised the Student's grade on this deliverable by 1 point, but this did not result in any change to the Student's final course grade.

Following this response, the Student requested additional review of her term test and methods quiz. These requests were made by e-mail, as described below. They were also made in person at the instructor's office hours and at the conclusion of classes taught by the instructor in the Spring 2025 term. The following is a summary of the e-mail communications:

- Regarding her term test, the Student requested a "comprehensive re-evaluation" of this deliverable in two e-mails dated January 17 and 19, stating that it had been unfairly graded (RP, pp. 036-037).
- The instructor replied on January 21 that he would not regrade the term test further. He explained his reasons for this decision, and requested that the Student "not e-mail [him] regarding the test term [*sic*] issue further" (RP, p. 038). The instructor indicated that he had communicated to the Student "previously during our multiple discussions" that the decision was final; he also indicated that he "[could not] have meetings [regarding this matter] during office hours, as this time is set aside for current students in need of support" (*id.*). The instructor cc'd the Department's Associate Chair, Undergraduate, Professor Katherine Duncan, on his message.
- Regarding her methods quiz, the Student stated that she wished to "appeal" the score on this deliverable, in an e-mail dated January 22 (RP, pp. 040-041).
- The instructor replied on January 23 that this was a second request for a review of the same assessment, that in his view a further grade increase was not justified, and that this was a final decision (RP, p. 040). He requested that the student "not email [him] further about this quiz or ask to meet with [him] regarding it," and again cc'd the Associate Chair.

On January 28, the Student met with the University College Registrar, Mr. Ryan Woolfrey, at the latter's request (Student's Appeal Package ("AP"), p. 27 of PDF). The Student and Division's accounts of this conversation differ. According to the Division, the Student was instructed "not to engage or communicate any further with your instructor about your grading appeal under discussion" (i.e., her final exam appeal) (as described in e-mail from D. Boyes to Student, June 13, RP, p. 043). According to the Student, the Registrar "never asked [her] to refrain from

contacting [the instructor] regarding the regrading of the Final Exam” (E-mail from Student to S. Wright, June 10, AP, p. 27 of PDF). In fact, the Student states that she specifically indicated at this meeting that she intended to contact the instructor regarding a reread of her final exam after the exam viewing window opened, and that the Registrar “acknowledged this statement and raised no objection” (E-mail from Student to S. Wright, Sept. 17, AP, p. 65 of PDF).

### **B — Exam viewing and preparation and submission of reread request (March 27-May 28)**

In late March, after the Student had an opportunity to carry out the required viewing of her final exam, the Student e-mailed the instructor to request a review of her exam. The instructor replied that he was “happy to review the exam,” and informed her that she needed to file a “formal request,” including a “report detail[ing her] concerns about the exam” (E-mails from P. Whissell to Student, March 27, 2025, as quoted in E-mail from Student to S. Wright, June 10, 2025, AP, p. 34 of PDF.)

On March 28, the Associate Chair e-mailed the Student to inform her of the procedures for a final exam reread. The Associate Chair added that “there is no need for [the Student] to contact [the instructor] directly to receive this regrade” and to request that the Student “not contact [the instructor] again about this matter” but instead direct any questions to the Associate Chair or to the UC Registrar. (RP, p. 064.)

On April 25, the Student wrote to and met in person with the Associate Chair regarding the review of her final exam grade. (Division’s Response, RP, p. 006.) In these and various follow-up communications, the Student requested, and was granted, a second opportunity to view her final exam before submitting a formal reread request. (E-mail from Student to K. Duncan, April 25, 2025, RP, p. 066; E-mail from Student to Undergraduate Program Coordinator, April 28, 2025, RP, p. 068; E-mail from Undergraduate Program Coordinator to Student, April 29, 2025; RP, p. 068.)

On May 15, the Student attended at the instructor’s office to discuss the regrading of her final exam. (Division’s Response, RP, p. 006.)

On May 27, the Student submitted her reread request to the Office of the Faculty Registrar, accompanied by a 101-page “Rationale Document” documenting the issues with the grading of her exam. (As described in e-mail from Student to K. Duncan, May 28, 2025, RP, p. 071.)

On May 28, the Student wrote to the Associate Chair to communicate that she had submitted the reread request, and that she planned to drop off a printed copy of the Rationale Document at the Associate Chair’s office the following day. (Id.) In this e-mail, the Student thanked the Associate Chair for her support, and shared that she “[felt] deeply helpless, frustrated, and overwhelmed by how severely unfair [the grading of her final exam had been]” (Id.).

### **C — Associate Chair’s response to reread request (May 29-June 5)**

On May 29, the Associate Chair e-mailed the Student in response to the Student’s e-mail of the previous day. The Associate Chair’s e-mail conveyed three messages:

- First, the Associate Chair informed the Student that the Department “takes allegations of unfair grading seriously,” and had “identified another instructor with expertise in the subject matter to regrade [her] final exam.”
- Second, the Associate Chair noted that “it seem[ed] that this exam grade has deeply affected [the Student’s] wellbeing.” The Associate Chair then provided links to mental health support resources.
- Third, the Associate Chair addressed the Student’s visit to the instructor’s office on May 15. The Associate Chair indicated that the Student “[had] been told to stop contacting [the instructor] regarding this matter,” by the instructor himself, by the UC Registrar, and by the Associate Chair; that the instructor would not be responsible for regrading the Student’s exam; and that the Student therefore had “no reason to continue any contact” with the instructor.

The Associate Chair added:

“Going forward, you are not to have any direct or indirect contact with [the instructor], including but not limited to contact via email, phone, social media, and in-person. Any emails or phone calls to [the instructor] will not be reviewed nor responded to, and if you approach [the instructor], Campus Safety will be contacted.”

(RP, p. 074.)

The Student responded to the Associate Chair on the same day, expressing concern about the substitution of a different instructor for the original course instructor and requesting that the latter regrade her exam; and expressing “shock and hurt” at the suggestion that the Student seek mental health support and at the reference to Campus Safety. (RP, p. 078.)

On May 30, the Associate Chair e-mailed the Student to explain that the reference to mental health supports was in response to emotions the Student had expressed in her May 28 message; and that the reference to Campus Safety had not been intended to “make personal judgements about [the Student’s] character or to suggest that [she was] a threat,” but as a “clear communication to set and enforce boundaries around further contact with [the instructor].” (RP, p. 077.)

On June 5, the Associate Chair e-mailed the Student to advise that the original course instructor was not available to regrade the Student’s exam and that another instructor would be selected to conduct the reread. The Associate Chair assured the Student that her Rationale Document would be made available to the regrader. (RP, p. 077.)

### **D — Student’s request for Dean’s intervention; regrade request closed (June 10-19)**

On June 10, the Student wrote to the Acting Dean, Professor Stephen Wright, to request (i) his intervention in her final exam regrade process and (ii) an apology from the Associate Chair and a “formal review” of the latter’s conduct in sending the May 29 e-mail. (RP, p. 044.)

On June 13, the Acting Vice-Dean, Undergraduate, Professor Don Boyes, responded on behalf of the Acting Dean. He asked the Student to confirm by June 16 that she wished to proceed with a final exam grade in accordance with the pathway offered by the Associate Chair. Because the Student had cc’d the instructor on her June 10 e-mail, the Acting Vice-Dean added that the Student had been repeatedly asked not to communicate with the instructor, and he “urge[d the Student] to stop including [the instructor] in any correspondence and to cease contact.” (RP, p. 044.)

On June 14-17, the Student sent e-mails to the Acting Vice-Dean and Acting Dean, the essence of which was to dispute the Acting Vice-Dean’s authority to respond on behalf of the Acting Dean, and to request a direct response from the Acting Dean. (E-mail from Student to S. Wright, June 14, 2025, RP, p. 082; E-mail from Student to D. Boyes, June 16, 2025, RP, p. 087; E-mail from Student to S. Wright, June 17, 2025, RP, p. 089.)

On June 19, the Acting Vice-Dean wrote to the Student, conveying three messages:

- that the Student had rejected the opportunity offered to her for a regrade of her final exam and that “therefore, [her] final exam [would] not be regraded”;
- that any further consideration of her regrade request must take place through the University-level appeal process; and
- that “should [the Student] approach [the instructor], Campus Safety will be contacted.”

(RP, p. 086.)

The Student now appeals to your Committee.

### **III — Reasons for decision**

#### **A — Jurisdiction of the Academic Appeals Committee**

The Academic Appeals Committee (AAC) is a committee of the Governing Council, and has only the powers given to it by the Governing Council, expressly or by necessary implication, in its *Terms of Reference*. Section 2.1 of the AAC’s *Terms of Reference* states that its function is “to hear and determine appeals made by students against decisions of faculty, college or school councils (or committees thereof) in the application of academic regulations and requirements.”

The Division did not dispute the AAC’s jurisdiction to hear and decide an appeal of the decision of the Acting Vice-Dean to terminate consideration of the Student’s request for a reread of her final exam, and your Chair agrees that the AAC does have this jurisdiction. While appeals

typically come to the AAC from divisional appeal committees, the Division's representatives indicated at the hearing that the Acting Vice-Dean's decision represented the final appeal stage within the Faculty of Arts and Science. Your Chair notes that, in Report No. 388 (May 8, 2017), the AAC decided that it had jurisdiction to hear an appeal from a decision of the Associate Dean of the Faculty of Arts and Science regarding the application of an academic regulation, where that decision was not appealable within the Faculty.

However, the Student's request for a letter of apology from various representatives of the Division and Department is beyond the jurisdiction of the AAC. It is well established that the AAC's jurisdiction is limited to determining whether academic regulations and requirements have been applied fairly and reasonably, and that its remedial jurisdiction is limited to making orders of an academic nature. In previous cases, the AAC has consistently stated that it does not have jurisdiction to order the issuance of an apology. (See, for example, Motion Decision No. 359-1 (August 25, 2011), p. 7); Report No. 368 (October 15, 2013), p. 5; Report No. 376 (October 14, 2014), p. 4.)

Accordingly, your Committee's consideration of this appeal proceeds on the basis that the issue to be decided is whether the Acting Vice-Dean's decision to terminate the consideration of the Student's request for a reread of her final exam was fair and reasonable.

### **B — Request for a re-reading of the Student's exam**

The web site of the Faculty Registrar describes the following process for obtaining a final exam reread:

“If you think your exam may have been incorrectly marked, you can request a reread of your final exam. In this case, you must first see your marked exam, either through the purchase of an electronic exam copy or by completing a supervised in-person exam viewing appointment. After you have purchased an exam copy or completed an exam viewing, you can request a final exam reread online through the A&S Online Services website. [...]

To request a reread of a final exam, visit the A&S Online Services website, explain the reason you are requesting a reread and pay the fees. [...]

Once you have successfully submitted the online request and payment, the academic unit and instructor will be given access to the required documents within 3-5 business days. The academic unit will then send your exam to an instructor for rereading. In circumstances where the original instructor is not available, the departmental chair will select an instructor with an equivalent level of knowledge of the subject matter.

After your exam reread has been completed, you will be able to view the results along with any additional comments from the instructor when you log into the A&S Online Services website.”

(Exam Reread & Course Mark Recheck, <https://www.artsci.utoronto.ca/current/faculty-registrar/final-exams/exam-reread-course-mark-recheck>. Website link included in May 29, 2025 email from K. Duncan to Student, (Division's Response, RP, p. 074.))

### *1 — Positions of the parties*

In connection with her reread request, the main thrust of the Student's position is (i) that she has complied with all of the procedural steps required to obtain a reread of her final exam grade; and (ii) that she is entitled to have the reread conducted by the original course instructor, because he is not unavailable. (E-mail from Student to S. Wright, Sep. 17, 2025, AP, p. 52 of PDF; Student's Reply, p. 9 of PDF.)

The Division argues (i) that the original instructor is unavailable; (ii) that the Student was offered an opportunity to "confirm whether she wanted to proceed with the final exam reread option provided to her by the Associate Chair"; and (iii) that the Student's rejection of the "pathway presented by the Associate Chair" amounts to a rejection of the reread itself. (Division's Response, RP, p. 013.)

### *2 — Analysis*

Your Committee agrees with the Student that she has complied with all of the steps required to obtain a reread of her final exam grade; however, we do not agree with her that she is entitled to have the reread conducted by the original course instructor. We will discuss the second point first.

#### *(a) Is there an entitlement to have the reread conducted by the original instructor?*

The Student argues that an instructor should be considered "available" if the instructor is employed by the Department, actively teaching, and "performing their instructional and academic responsibilities." (Student's Reply, pp. 17-18 of PDF.) The Student asks us, in essence, to interpret the exam reread process as conferring a default entitlement on a student to have the original instructor conduct the reread.

Your Committee does not agree with the interpretation put forward by the Student. In our view, the process would have been written differently if the meaning given to it by the Student had been intended. For example, the process states that "the academic unit will send your exam to *an instructor* for rereading" (emphasis added). The reference is to "an instructor," not "the original instructor." Nor does the process state that only in the narrow circumstances enumerated by the Student --- such as leave from teaching or cessation of employment --- will a reread be conducted by someone other than the original instructor. Instead, the process uses the term "unavailable," which is open-ended in its ordinary meaning.

More fundamentally, the fairness of an exam reread does not depend on its being conducted by the original instructor. Rather, it depends on the re-reader's having expertise in the subject-matter and being provided with the relevant information. While we understand the Student's concern

that information about what was communicated during classes may be relevant in assessing the fairness and accuracy of the grade she received, the Associate Chair has indicated that the Student's Rationale Document (which makes reference to lecture notes and slides) will be provided to the re-reader. (E-mail from K. Duncan to Student, June 5, 2025, RP, p. 077.)

The Student also points to the instructor's previous expressions of willingness to conduct the reread in support of her submission that he is not "unavailable." (E-mail from Student to S. Wright, Sept. 17, 2025, AP, p. 18 of PDF.) However, we do not have reasons to doubt the Division's statement that the instructor subsequently communicated to the Department that he was unavailable (Division's Response, RP, p. 007). We are reluctant to infer or make assumptions about the reasons for the instructor's unavailability, but we do not find that there are any grounds for calling into question the instructor's good faith.

*(b) Was the reread request fairly terminated?*

While your Committee does not agree with the Student's interpretation of the reread process, we do not find anything in the record to contradict her claim that she has complied with all of the steps required to initiate the process, including viewing her exam, submitting the reason for her request (her Rationale Document), and paying the required fee.

The Division relies on the Student's failure to respond when asked to confirm her consent to the pathway offered by Associate Chair. (Division's Response, RP, p. 013, par. 46.) However, it does not appear to your Committee that such confirmation is one of the steps required for the initiation of an exam reread, as that process is described on the Division's web site. Nor do we consider that the Student's objections to the pathway outlined by the Associate Chair, or her silence when asked to confirm her consent to a reread by someone other than the original instructor, amount to a withdrawal of her request.

In your Committee's view, the Student has submitted a reread request and not withdrawn it. She is entitled to have her exam reread in accordance with the Division's usual process. To be clear, however, we do not believe that this process entitles her to have the reread conducted by the original instructor; we accept the Division's submission that that instructor is unavailable.

We therefore direct that the Student's final exam be reread in accordance with the Division's process. The Department is entitled to select a faculty member with appropriate expertise.

The Student asks that your Committee impose certain requirements on the manner in which the reread is conducted, "to ensure transparency, fairness and academic accountability" (Student's Reply, p. 3 of PDF). Specifically, the Student asks that we require the re-reader to provide a "detailed written justification"; she further asks that we impose certain constraints on the "evaluative standards" employed by the re-reader, including correspondence with "the exact course content taught," and with "what students were reasonably led to understand" based on the "language of the exam questions" (Id.)

Your Committee does not think it useful or appropriate to specify, in the detailed manner proposed by the Student, how the reread must be conducted. We agree with her that the reread must be conducted fairly. In that regard, we note that the Associate Chair has indicated that the Student's Rationale Document will be provided to the re-reader. We also note that the Division's usual process contemplates that, following a re-read, a student is able to view the results of the reread along with any additional comments from the instructor. Presumably, these comments would include the re-reader's response to the reasons given by the requesting student.

The Student has raised other procedural objections to the challenged decision. She contends, for example, that it was procedurally improper for the Associate Chair to confer, during the reread process, with an Associate Dean who was also a member of the Department and who therefore was "institutionally subordinate to" the Associate Chair (Email from Student to S. Wright, June 10, 2025, AP, p. 8). Another objection advanced by the Student is that the Acting Vice-Dean lacked authority to respond to the Student on behalf of the Acting Dean (E-mail from Student to S. Wright, Sep. 17, 2025, AP, p. 54).

Given our determination that the Student is entitled to have her final exam re-read, it is not strictly necessary for your Committee to discuss these objections. Nevertheless, your Committee wishes to make clear that we do not find merit in them. There is nothing improper about consultation between an Associate Chair and an Associate Dean in connection with a grade review, regardless of whether the Associate Dean is also a member of the Associate Chair's Department; or about an Acting Vice-Dean responding to a student on behalf of an Acting Dean.

### **C — Further observations**

Before concluding, your Committee wishes to add some observations about the manner in which the events giving rise to this appeal have unfolded.

From the record before your Committee, it appears that the course instructor wanted to do his part to ensure that the Student was fairly graded. It also appears that he became uncomfortable with the frequency of the Student's interactions with him about her grades on various deliverables; with the fact that some communications continued after he had already communicated "final decisions" on the matters discussed; and with the fact that some of the interactions took the form of in-person visits to office hours intended for students in other courses, or at the conclusion of classes taught by the instructor in courses in which the Student was not enrolled.

Your Committee accepts that it was legitimate, in the circumstances, for the instructor and the Department to seek to set boundaries.

However, it is also apparent to your Committee that the e-mail sent by the Associate Chair to the Student on May 29 was a turning point. Although we do not doubt that the Associate Chair's e-

mail was well-intentioned, we also understand why the Student found the wording of the portion of the e-mail dealing with contact with the instructor to be objectionable.

At the hearing, the Division's representative acknowledged that there had been a "loss of precision" over time in the Department and Division's descriptions of what the Student had previously been told. For example, the Associate Chair's May 29 e-mail states:

"You have been told to stop contacting Prof. Whissell regarding this matter as you had been informed of the next steps you must take to address the reread of the PSY390 final exam. Prof. Whissell, Ryan Woolfrey and I have requested that you stop contacting Prof. Whissell in different occasions, both in-person and in-writing."

The implication was that the Student had repeatedly disregarded instructions to stop contacting the course instructor. This does not seem to your Committee to be accurate. From the Student's perspective, she had been complying with the instructor's requests that she not contact him further "about her term test" (Jan. 21) or "about her methods quiz" (Jan. 23). On March 27, the Student received e-mailed responses from her instructor regarding her final exam regrade that, as we read them, are supportive and do not communicate that further contact from the Student about the exam was undesired. Nor does the record disclose any significant subsequent communication between the Student and the instructor, apart from one visit by the Student to the instructor's office on May 15.

Your Committee reiterates that it was legitimate for the instructor and Department to set boundaries. Where there has previously been a lack of precision in the communication of boundaries, or where those boundaries have been misinterpreted by a student, it is reasonable to re-articulate those boundaries clearly and precisely. (The final paragraph of the Associate Chair's March 28 e-mail is an example.) However, the May 29 e-mail goes beyond this. In particular, your Committee can understand why the Student would have perceived as inflammatory the borrowing of language from the sanctions provisions (s. E.2) of the *Code of Student Conduct* (December 13, 2019); the reference to means of communication that, as far as we can tell from the record, were never used by the Student (phone, social media); and the reference to Campus Safety.

The Student also objected to the reference to mental health supports in the Associate Chair's May 29 e-mail. Your Committee agrees with the Associate Chair that, given the emotions shared by the Student in her May 28 e-mail, the Associate Chair had a responsibility to ensure that the Student was supported. It may be worth considering whether the effectiveness of the Associate Chair's message of care may have been diminished by the fact that it was a single paragraph communicated alongside a number of other messages, including some that — as described above — were disciplinary in content and tone.

#### **IV — Disposition**

The appeal is allowed in part. Specifically, your Committee directs that:

- Unless the Student expressly communicates to the Division that she wishes to withdraw her request for a reread of her final exam, the Division shall arrange for a reread of that exam by an instructor with appropriate expertise, who need not be the original course instructor.
- The material provided to the re-reader shall include the Student's Rationale Document.

As noted above, your Committee does not have jurisdiction to order the issuance of a letter of apology. This aspect of the Student's appeal is therefore dismissed.

UNIVERSITY OF TORONTO  
GOVERNING COUNCIL

Report #448 of the Academic Appeals Committee

February 13, 2026

To the Academic Board  
University of Toronto

**Chair:**

Professor Ian B. Lee

**Hearing Secretary:**

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

**For the Student Appellant:**

X.Z. (the “Student”)

**For the Faculty of Arts and Science:**

Professor Randy Boyagoda, Vice-Dean, Undergraduate

**DECISION OF PANEL CHAIR**

In Report No. 445 (dated January 16, 2026) (“Report”), your Committee allowed in part the Student’s appeal from the decision of the Acting Vice-Dean, Undergraduate, Faculty of Arts & Science, Professor Don Boyes, dated June 19, 2025, terminating consideration of the Student’s request for a regrade of her final exam in PSY390 (Fall 2024).

Following the issuance of that Report, the Student submitted a document entitled “Response to Report No. 445,” dated January 29, 2026 (“Student’s Request”), requesting that I, as panel chair, make certain revisions to the Report. I have reviewed the Student’s Request; the Division’s response, contained in an e-mail from Lauren Vollmer to the Office of Appeals, Discipline and Faculty Grievances, dated February 2, 2026; and the Student’s submissions in reply, dated February 3, 2026 (“Reply”).

For the reasons that follow, I agree with the Division that the requested revisions are beyond the jurisdiction of a panel chair. Accordingly, the Student’s request is denied.

The Student relies on Part 15 of the *Rules of Practice and Procedure of the Academic Appeals Committee* and, in particular, on rule 81, which provides:

81. A student or division may submit a request in writing, with notice to all the parties, that the chair correct such typographical errors, errors of calculation, or similar minor errors made in the reasons or order. Whether to accept this request is at the sole discretion of the chair.

In approaching the task of interpreting and applying rule 81, I begin by noting that the legal principle of *functus officio* deprives a tribunal, once it has made a final decision, of jurisdiction to change or reconsider its decision. The AAC had occasion to analyze the principle in Report No. 418 (Feb. 8, 2022), and concluded that the principle applies to the AAC. Report No. 418 also explained that the principle is not absolute; in particular, there is an exception “where there is a minor error that amounts to a ‘slip’ or where the tribunal has made an error in expressing its intent” (p. 7). I read rule 81 as providing a process whereby a student or division can request that the AAC exercise its jurisdiction to correct such “minor errors,” and as empowering the panel chair to decide the request.

In reliance on rule 81, the Student requests that the Report be revised to correct “specific statements [...] that do not accurately reflect the factual and procedural context” (Reply, p. 3). In particular, the Student takes issue with the accuracy of statements contained in the Report as to the number of PSY390 course deliverables about which she requested review (Student’s Request, pp. 5-9); the number and nature of the in-person interactions she had with the course instructor (Student’s Request, pp. 10-11); and the type of exam viewing she received in April 2025 (Student’s Request, pp. 12-13). The Student also takes issue with the Report’s characterization of the course instructor’s subjective reaction to certain aspects of the Student’s interactions with him (Student’s Request, pp. 14-15).

The Student submits that her requested revisions relate to “minor errors,” in that her request is limited to ensuring that the Report “accurately reflect[s] the factual and procedural context, based on the objective documentary materials already before the Committee” (Reply, pp. 5-6). She adds that the requested revisions “do not alter the Committee’s reasons or result” (Student’s Reply, p. 6).

While I agree with the Student that the changes she seeks do not alter the result, they are nevertheless not “minor” because they require the chair to agree with her that the hearing panel incorrectly interpreted some of the material before it; drew incorrect inferences from that material; and/or incorrectly preferred, in some respects, the Division’s characterization of certain events over the Student’s characterization of those events. In short, the Student invites the chair to reassess the material that was before the panel and to draw different conclusions from that material. Such an exercise differs significantly from the correction of typographical and calculation errors and is instead akin to the correction of (what the Student perceives to be) erroneous findings by the panel.

A further difficulty with the position put forward by the Student becomes apparent if one considers the roles that the AAC’s *Terms of Reference* give respectively to panels and chairs. The

*Terms of Reference* assign specific responsibilities to the panel chair in connection with (for example) the conduct of a hearing, the determination of questions of law and the dismissal of an appeal on jurisdictional grounds (sections 3.1.2, 3.1.4, and 3.1.8). However, it is the panel as a whole (if necessary, by majority vote) that has decision-making authority regarding the final disposition of the appeal (section 3.1.3) and, by implication, regarding the findings on which that disposition rests. It would not be consistent with these roles to interpret rule 81 as empowering a chair, acting alone, to revise a panel's findings on the ground that those findings do not "accurately reflect the factual and procedural context" (Reply, p. 3).

The Student argues that, as the Report is part of the record of the proceeding maintained by the Secretary of the AAC pursuant to rule 83, the "accuracy of factual and procedural statements contained in the written reasons is [...] relevant to the integrity of the record maintained under the Rules." (Reply, p. 9.) However, the fact that the reasons of the panel form part of the record of the proceeding does not assist the Student's overall argument. The panel's report remains an accurate record of what the panel decided and of the reasons for the decision, even if one or both parties disagree with some or all of the panel's interpretations or characterizations.

In summary, the revisions requested by the Student do not relate to "minor errors" because they would require the chair to revisit the panel's interpretation of the material, the inferences the panel chose to draw from the material, and/or the panel's choice between competing characterizations of events. It follows that rule 81 does not empower a panel chair to make the requested revisions. The Student's request is, therefore, denied.

**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.

**UNIVERSITY OF TORONTO  
GOVERNING COUNCIL**

Report #447 of the Academic Appeals Committee

January 22, 2026

To the Academic Board  
University of Toronto

Your Committee reports that it held a hearing on November 7, 2025, at which the following members were present:

**Academic Appeals Committee Members:**

Dr. Erika J Murray, Chair  
Professor Andrew Petersen, 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:**

X.Z. (the “Student”)

**For the Faculty of Arts and Science:**

Professor Randy Boyagoda, Vice-Dean, Undergraduate

**Overview**

This appeal concerns the re-reading of the Term Test in PSY390 (the “Term Test”) during the Fall 2024 term. The Student appeals from a decision of the Division, Faculty of Arts & Science (the “Faculty”), dated March 14, 2025, finding that no further re-read of the Student’s Term Test in PSY390 will be conducted.

In summary, before this Committee the Student submitted that: (i) the grading within the Department of Psychology is unfair and arbitrary and that, despite receiving a grade increase, no actual re-read of her Term Test was conducted; and (ii) due to a conflict of interest, it was procedurally unfair that it was the Associate Dean, Student Affairs, in the Dean’s Office who determined that no further re-read of the Term Test would be conducted.

The Student seeks a remedy that her Term Test in PSY390 be re-read and that substantive reasons be provided for any changes to the Term Test grade.

For the reasons set out below, the Committee finds that a re-read of the Term Test was conducted, that the absence of written comments in Quercus does not, in itself, establish procedural unfairness, that the Faculty's decision not to conduct a further re-read was fair and reasonable, and that there was no actual or reasonably perceived bias or conflict of interest affecting the Dean's Office determination. The appeal is therefore dismissed.

### **Chronology**

The Student received a mark of 75 percent on the Term Test during the Fall 2024 term, which was posted in Quercus on October 20, 2024, the Faculty's standard online learning and grading system.

Within the permitted two-week period for grade inquiries, the Student contacted the course instructor, Professor Paul Whissell, on multiple occasions requesting a re-read of the Term Test:

- October 26, 2024 – first email requesting a re-read;
- October 30, 2024 – follow-up email;
- November 2, 2024 – second follow-up email reiterating the request.

In early November 2024 (approximately November 5–8), the Student's Term Test grade was updated in Quercus from 75 percent to 81 percent. No written comments or explanation accompanied this grade change in the Quercus system.

At the hearing, the Student was self-represented and presented her submissions, including by reference to written materials. Her main points were as follows:

- The grading within the Department of Psychology is “severely unfair with arbitrary grade reductions.”
- “No re-read of my Term Test actually occurred. A re-read cannot be said to have occurred because no comments were added to Quercus, and I do not know who conducted it.”
- “Associate Dean Suzanne Wood works as an Associate Professor under the direct administrative leadership of Associate Chair Katherine Duncan, who makes salary and promotion decisions and exercises influence over her academic position. This is unfair, there is conflict of interest. Associate Dean Wood is ineligible to represent the Dean's Office, which decided there would be no re-read of the Term Test.”

The Student submitted that the initial 75 percent Term Test grade was unfair and that despite the grade being increased to 81 percent, no procedurally fair re-read was conducted. The Student's position was that the initial 75 percent was arbitrary or “wrong”, contending that her answers demonstrated correctness and that due to the absence of written comments or explanation accompanying the grade change in the Quercus system, the grade increase did not constitute a procedurally fair re-read. With respect to the initial 75 percent the Student received on the Term

Test, this Committee’s jurisdiction is limited to whether grading procedures were followed fairly, not to re-marking content or substituting its academic judgment for the instructor’s. With respect to the grade increase from 75 percent to 81 percent, the record supports that a re-read was conducted and completed (grade increase entered, consistent with standard practice). Lack of written feedback does not constitute procedural unfairness *per se* since this is consistent with departmental practice.

At the hearing, the Student was directly asked by this Committee whether she had observed the grade change in Quercus in early November. The Student confirmed that “yes” she had seen the revised mark and acknowledged that she did not contact the instructor or department in November or December 2024 to dispute the grade increase, to request clarification regarding how the additional six percent had been determined, nor to raise concerns about the absence of comments in Quercus.

In early 2025, after receiving her final course grade, the Student wrote to the Faculty with different requests, one of which was a re-read of the October Term Test, as well as other course deliverables. In that correspondence, the Student requested that the Term Test be re-read notwithstanding the grade increase entered in November 2024. In response to specifically the Term Test, the Faculty treated the requested re-read of the Term Test as already completed and duplicative, and denied the Student’s request, noting that a re-read of the Term Test had already been completed during the term and declining what the Faculty viewed as a second re-read request in respect of the same assessment.

It is this Faculty decision, treating the Term Test re-read request as duplicative and declining to conduct a further re-read, that is the subject of the present appeal. The Student appeals from that determination, submitting that no procedurally fair re-read occurred in November 2024 and that, on grounds of procedural unfairness, including a conflict of interest, it was unfair for the Faculty to refuse a further re-read.

The Student’s separate requests and any related appeal concerning the re-reading of the other course deliverables were not subject to this appeal hearing, which was limited to the issues of the re-reading of the Term Test and the Student’s submissions concerning an alleged conflict of interest at the Faculty level.

### **Issues**

Accordingly, the issues before this Committee are:

1. whether the initial grading and subsequent November 2024 re-read of the Student’s Term Test were conducted fairly and reasonably; and
2. whether there was any actual or reasonably perceived bias or conflict of interest affecting the Dean’s Office determination that the November re-read had already been conducted and that therefore no further re-reading of the Term Test should occur.

### **Reasons for Decision**

The function of this Academic Appeals Committee is to hear and consider appeals made by students against decisions of faculty, college or school councils (or committees thereof) in the application of academic regulations. Since each division of the University is required to have its own appeal processes, the Committee is in effect a reviewing body and not a forum for rehearing or *de novo* determination. Put simply, the Committee decides whether the Division's decision was reasonable.

In considering the reasonableness of the decision of the divisional appeal body, this Committee is to consider the facts as they were before the Division and whether the University's policies and procedures were applied consistently and fairly. This Committee will interfere with a divisional decision only where it finds that the decision was unreasonable, was reached through a demonstrably unfair interpretation or application of the relevant policies, processes, or procedures, or was affected by actual or reasonably perceived bias, including a conflict of interest.

### **1. Whether the initial grading and subsequent November 2024 re-read of the Student's Term Test were conducted fairly and reasonably**

In October 2024, the Student initially received a 75 percent on the Term Test. Within the two-week permitted period per University policy, the Student emailed the course instructor, Professor Whissell, requesting a re-read of the Term Test. In early November, the Student's Term Test grade was updated to 81 percent in the Quercus system.

Before this Committee, the Student submitted that since there was a grade change of 6 percent, this effectively shows the initial grading of her Term Test was unreasonable and conducted unfairly. Furthermore, the Student submitted as the crux of her argument, that since there were no substantive comments or explanations showing where the additional 6 percent upon the re-read specifically came from, that "there was no re-read"; effectively the Student argued before this Committee that the change to the Student's grade was arbitrary and therefore procedurally unfair.

The Committee does not accept these submissions. A change in grade following a re-read does not, in itself, establish that the initial grading was unreasonable or unfair. Academic grading involves the exercise of professional judgment, and it is neither unusual nor improper for a re-read to result in a modest adjustment without implying error, arbitrariness, or unfairness in the original assessment. The Committee finds no basis to interfere with the initial grading of the Term Test, specifically whether the Student ought to have been afforded more marks or not. Further, the Committee finds no requirement in University policy, course materials, or established academic practice that a re-read must be accompanied by written comments explaining the precise allocation of additional marks. The absence of comments in Quercus does not mean that the re-read did not occur, nor does it render the re-read procedurally unfair. While the Committee acknowledges that written confirmation explaining how additional marks were awarded may be helpful, such documentation of the Term Test is not required in these circumstances under University policies or departmental practice. The Committee also notes that, after the revised grade was posted in early November, the Student did not request further clarification regarding the basis for the grade adjustment during the remainder of the term.

This Committee finds that it was reasonable for the Division to determine that both the initial grading of the Term Test and the subsequent November 2024 re-read were fair and consistent with academic standards, that no further re-read would be conducted, and this ground of appeal is dismissed.

**2. Whether there was any actual or reasonably perceived bias or conflict of interest affecting the Dean’s Office determination that the November re-grade had already been conducted and that therefore no further re-read of the Term Test should occur**

The Student appeals that it was procedurally unfair for Associate Dean Suzanne Wood to issue the Decanal-level decision finding that the November 2024 re-read was fair and consistent with academic standards and that no further re-read of the Term Test would be conducted. The Student submits that a conflict of interest existed because Associate Dean Wood, who issued the Decanal-level decision, works as an Associate Professor in the Department of Psychology and is therefore subject to the direct administrative authority of Associate Chair Katherine Duncan, who addressed the Student’s request at the academic unit level. Specifically at the hearing, the Student submitted that Associate Dean Wood, in her capacity as a faculty member, is subject to Associate Chair Duncan’s administrative oversight, including on matters involving evaluation, salary, and promotion, and that this alleged reporting relationship created improper influence and rendered the Decanal-level decision procedurally unfair.

The Division submitted that the two individuals hold parallel positions and that no formal reporting relationship or evaluative authority exists between them.

At the hearing, the Student further submitted that the Chair should not rely on or accept the Division’s representation of the reporting relationship as factual and that doing so would itself constitute institutional bias. The Student submitted that the Chair should independently seek to confirm the reporting structure and that acceptance of the Division’s submission without further verification would be procedurally unfair.

The Committee notes that, notwithstanding its findings under issue 1, it is appropriate to address the Student’s conflict-of-interest allegation directly, as it was advanced as an independent ground of procedural unfairness. Furthermore, while this Committee does not conduct its own fact-finding investigations and the Chair is entitled to accept the submissions of either party, the Chair determined that, given the Student’s allegations of institutional bias, it was appropriate in the circumstances to provide both parties an opportunity to clarify this narrow factual point through brief written submissions following the hearing. Accordingly, both parties were invited to address the following question: *What is the formal administrative reporting relationship, if any, between Associate Dean Suzanne Wood and Associate Chair Katherine Duncan within the Faculty of Arts & Science?*

The Student relies on publicly available University materials and excerpts from the Faculty of Arts & Science Academic Handbook for Instructors describing undergraduate administrative processes within a department, including consultation and approval functions performed by the Associate Chair, Undergraduate. This Committee finds that the Student mischaracterizes these functions as establishing a “direct departmental supervisor” relationship and asserts that this

created a personal interest on the part of Associate Dean Wood sufficient to amount to a conflict of interest under the University's Policy on Conflict of Interest – Academic Staff.

The Faculty's submissions further confirm that Associate Dean Wood and Associate Chair Duncan are peers within the Department of Psychology and do not operate in a hierarchical or evaluative relationship to one another. The Faculty confirmed that Associate Dean Wood does not report to Associate Chair Duncan, that Associate Chair Duncan does not exercise authority over Associate Dean Wood's salary, promotion, or employment status, and that both report to the Chair of the Department in their respective faculty roles.

The Committee finds that the materials cited by the Student do not establish the existence of a formal reporting or evaluative relationship of the kind alleged. The Handbook excerpts relied upon describe routine academic governance functions and administrative consultation processes within undergraduate education. They do not demonstrate that Associate Chair Duncan supervises Associate Dean Wood's employment, controls her salary or promotion, or exercises authority over her administrative role as Associate Dean. The Student's submission largely equates routine administrative interaction and consultation within a department. This Committee does not accept the Student's assertion that any such departmental interactions necessarily give rise to a personal interest sufficient to amount to a conflict of interest. A reasonable and informed observer, viewing the matter realistically and practically, would not conclude that Associate Dean Wood was in a position of conflict by virtue of these routine departmental governance relationships. The *Policy on Conflict of Interest – Academic Staff* requires more than generalized conjecture about collegial relationships or institutional proximity.

This Committee finds that as a faculty member in the Department of Psychology, Associate Dean Wood reports to the Chair of the Department. In her administrative role as Associate Dean, Student Affairs, she reports to the Dean of the Faculty. Associate Chair Duncan, in both her faculty and administrative roles, also reports to the Chair of the Department. This Committee does not find an actual or reasonably perceived conflict of interest or bias affecting the Decanal-level decision. Accordingly, this ground of appeal is dismissed.

### **Decision**

The appeal is dismissed in full.

**UNIVERSITY OF TORONTO**  
**GOVERNING COUNCIL**  
 Report #449 of the Academic Appeals Committee  
 March 27, 2026

To the Academic Board  
 University of Toronto

Your Committee reports that it held a hearing on Friday, December 19, 2025, at which the following members were present:

**Academic Appeal Committee Members:**

Sara Faherty, Chair  
 Professor Andrew Petersen, Teaching Staff Governor  
 David Gren, Student Governor<sup>1</sup>

**Hearing Secretary:**

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

**For the Student Appellant:**

A-L. L-G, (the “Student-Appellant”)

**For the Toronto School of Theology:**

William Jesseau, Smockum Zarnett, LLP

**I. Overview**

This is an appeal of the decision reached by the Toronto School of Theology Academic Appeal Committee, written by its Chair, Walter Deller, dated June 3, 2024. The Appeals Committee determined that Knox College had grounds to place the Student-Appellant on academic probation (or “probationary standing,” terms we will use interchangeably in this document, in keeping with the *Knox College Handbook*, pp. 13-14), and that the terms of her probation were reasonable.

The Student-Appellant is a student enrolled in the Master of Theological Studies one of the “Basic Degree Programs” at Knox College. She has disability-related needs and receives academic accommodations based on her registration with the University’s Accessibility Services and is also supported by the University’s Student Crisis Response Program.

The Student-Appellant has a history of academic difficulties at the Toronto School of Theology. She struggled with the challenges imposed by the international Covid-19 pandemic and has faced health crises and problems in her family. She failed some classes, was on a leave of absence for the 2021 calendar year and after she failed another class in the Winter of 2022 and did not communicate with the Toronto School of Theology for months, she was deemed to have withdrawn in October of 2022. She was allowed to return but placed on probationary standing in April of 2023. The Student-Appellant is alleging unfair treatment by Knox College and is requesting academic remedies, including to be returned to satisfactory

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<sup>1</sup> David Gren participated in the hearing and was part of the Panel’s conversation about the decision and the rationale for the findings. But, in March 2026, he stepped down as a Governor from Governing Council and did not review the written reasons.

standing and permission to resubmit her final paper in a course she has already completed, WYT3325, *The Holy Spirit: Exploring Pneumatology*. She is also asking for a series of directives to the Toronto School of Theology to participate in and provide programming, including having Knox College administrators receive disability intersectionality sensitivity training; obtaining conflict resolution support for marginalized people; holding a reconciliation meeting to address harm done to the Student-Appellant; guidance on financial remedies if deemed appropriate; and updating their customer service policy with guidelines to prohibit harassment.

## II. Facts

The Student-Appellant began her studies at Knox College in the fall of 2017 and had two successful academic years with less than full-time enrolment and what appear to have been appropriate academic accommodations in place. Her studies did not go well after that. The on-line format required by the Covid-19 pandemic was not ideal and the Student-Appellant struggled with health concerns and troubling personal matters. Starting in the Winter term of 2020 she had academic problems, including some failing marks, and in the Winter of 2021, she was placed on a leave of absence. In the Winter term of 2022, she earned another failing mark and on October 17, 2022, the Division determined she had constructively withdrawn.

### Probationary Standing

The Student-Appellant appealed her constructive withdrawal, and the appeal was allowed on April 12, 2023. The Toronto School of Theology Academic Appeal Committee permitted her to return to her studies. However, they determined that because of her significant academic problems before she discontinued her studies she should be placed on academic probation.

The *Knox College Handbook* establishes two reasons for placing a student on academic probation. The first is a straightforward, mathematical justification: if a student fails more than two courses or if their average falls below 73%, academic probation is triggered and they are required to pass all of their courses during the next term, or achieve a term average of 73% or higher, or raise their overall average to 73% or higher to move out of probationary standing. (*Knox College Handbook*, page 14).

The second reason is not as clear-cut. The Handbook describes students who are “in academic difficulty,” listing factors like having poor grades, absence from class, receiving “Incompletes” in courses, and not meeting outcomes and professional competencies, *etc.* as examples of academic difficulty. The Handbook establishes that when these conditions occur a student “may” be placed on academic probation. (*Knox College Handbook*, pages 13-14).

In this case the Student-Appellant at one point met the first, numeric, criterion—her cumulative grade point average was below 73%. After the Student-Appellant successfully petitioned to change her failing mark in TXH2010H, *History of Christianity II* (843-1648), to an Incomplete and submitted her work in TRT3641H, *Race, Theology, and Diversity*, she no longer met the first criterion for probationary standing. Nonetheless the Division determined that she should be on probation by applying its second, discretionary standard. As required by the policy, the Division informed the Student-Appellant of her status in writing and told her what would be required for her to be restored to satisfactory standing.

The Student-Appellant raised her concerns that she was being treated unfairly due to unconscious bias, but the Toronto School of Theology’s appeal committee did not agree. They pointed out that Knox College had tried repeatedly to communicate with her and that she often did not respond. They described what they saw as a “pattern of late, last-minute, and non-communication” on the Student-Appellant’s part,

and they found the probationary conditions put in place were reasonable. They found the conditions put in place were not punitive but rather were intended to support the Student-Appellant in succeeding in the program.

The conditions set forth as part of the Student-Appellant's continuing academic probation, established in Academic Dean Christine Mitchell's letter of April 12, 2023, were far from onerous:

In addition to the no-longer relevant condition of maintaining a threshold of academic performance as measured by her Cumulative Grade Point Average that she had already achieved, the College asked her to:

- (1) meet with her faculty advisor regularly;
- (2) register and meet with Accessibility Services and keep Knox College informed of any changes that were made to her accommodations plan; and
- (3) adhere to all University of Toronto, and Knox College policies regarding registration and fee payments.

As a practical matter, the first two conditions are good advice for any University student. The third "condition" is expected of all University students. These expectations may be more difficult for the Student-Appellant to meet because of the second set of issues she faces (difficulty with planning and managing her academic obligations), but it is that very difficulty that made the Toronto School of Theology conclude it was necessary to put those conditions in place. The conditions were lifted and the Student-Appellant was returned to satisfactory standing in February of 2025.

### Remedies Sought

The Student Appellant has requested the following remedies:

- Exit Academic Probation: Return to Satisfactory Standing
- Permission to Defer and Submit a Final Paper in WYT3325H, *The Holy Spirit: Exploring Pneumatology*, which she took during the Summer term of 2023.
- Knox College Administration Receive Disability Intersectionality Sensitivity Training
- Obtain Conflict Resolution Support for Marginalized People
- Reconciliation Meeting to Address Harm Done to Me as their Student
- Guidance on Financial Remedies if Deemed Appropriate

### **III. Decision**

In many ways this is a simple case. The primary issue is moot (the Division removed the Student-Appellant from probationary standing before the hearing.) Most of the other remedies requested by the Student-Appellant are directives to the Division that cannot be granted by your Committee.

That said, your Committee found the case challenging because the Student-Appellant's difficulties and unhappiness in the program are ongoing. While there is little your Committee can do to resolve the issues between the Student-Appellant and the Division, we will speak to the remedies requested and explain our reasoning.

### Jurisdiction

As alluded to above, some of the remedies sought by the Student-Appellant cannot be granted by your Committee. We are bound by section 2.1 of the *Terms of Reference* of this Governing Council’s Academic Appeals Committee, which instructs us to “hear and consider appeals made by students against decisions of faculty, college or school councils (or committees thereof) in the application of academic regulations and requirements [...]”<sup>2</sup>

The Toronto School of Theology Academic Appeals Committee, whose decision we are reviewing, is similarly limited in its powers. It can send a decision back to the decision-making person or body for reconsideration to correct a procedural flaw or to address new information presented at the hearing that was not available to the prior decision-maker at the time the decision was made; it can take any action that was available to the person or decision-making body at the time it considered the petition; or it can deny the appeal. It does not have the authority to dictate policies or create programming. For this reason, some of the Student-Appellant’s requested remedies are beyond our reach. We cannot require the Knox College administration to receive disability intersectionality sensitivity training. Nor can we order them to put in place conflict resolution support for marginalized people. We cannot require them to schedule a meeting with the Student-Appellant to address harm that she thinks they have inflicted on her. We note that they have scheduled meetings with the Student-Appellant in the past and that the record shows that they continue to offer to meet with the Student-Appellant to provide support. During the hearing, the three very senior administrators who attended were attentive to her oral submissions and expressed sympathy for her circumstances. Their repeated offers to meet with her seemed genuine. We also note that two of the three additional terms of her probationary status were centered on regular meetings with the Toronto School of Theology administration and Accessibility Services. Your Committee does not have the authority to grant financial remedies and will not give any guidance on that issue.

### Academic Remedies

The only issues left are the Student-Appellant’s two academic requests: to be allowed to submit another paper in WYT3325, *The Holy Spirit: Exploring Pneumatology*, a course from the summer of 2023, and her request to be taken off probationary status.

The Student-Appellant struggles with two sets of problems, which may align with the two justifications for probationary standing explained in *Knox College Handbook*. Only the first set of problems is addressed by the accommodations provided by Accessibility Services. She has disability-related academic issues and receives academic accommodations for them. Her ability to produce high-quality academic work is measured and addressed by the first provision on probationary standing and is captured by her cumulative grade point average. The Student-Appellant’s academic accommodations allow her to do very well when she is properly accommodated.

The second set of problems may be related to the first set, but they are harder to resolve. The Student-Appellant can be inconsistent in her communications and in meeting deadlines. She seems to have difficulty managing her schoolwork, communicating effectively with various stakeholders, making timely tuition payments, and responding to requests for information from her Division. This second set of issues might be addressed by the second provision justifying probationary standing. The Division may have hoped to address them by the conditions it placed on the Student-Appellant pursuant to that discretionary standing: initiating regular meetings with her academic advisor at Knox College, meeting with her Accessibility Services advisor, and following all University and College policies.

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<sup>2</sup> As it read when the Student-Appellant filed this appeal in 2024.

Some of the very support systems put in place to help her with her academic work sometimes seem to overwhelm her. The process of requesting an accommodation, connecting with her Accessibility Services advisor, communicating the accommodation to her Registrar and instructor, staying in touch with her Student Progress and Support Team counselor, and entering required information into ROSI/ACORN the University's student digital information system seems to have caused some confusion on the Student-Appellant's part. The Record is filled with examples of her giving important information about her needs to one person or another but failing to complete the circuit of communication. More than once during our December 19, 2025 hearing when someone pointed out that she had failed to inform them of something, she replied that she had informed a different person of the fact. The complexity of this system may be unavoidable in a large University that is committed to providing a range of student services, but your Committee cannot ignore the reality that for a student with disabilities it poses a challenge.

The Student-Appellant seemed to be making a good faith effort to meet the administrative demands that were placed on her but did not fully appreciate that she needed to communicate with a number of different offices. In this context, the Student-Appellant experienced the administrators at Knox College as rigid and unsympathetic. She had concerns that they were biased against her because of her disabilities or race. From a different perspective, those same administrators seem to have been especially flexible and sympathetic. They appear to have done their best to provide her with appropriate accommodations, they patiently extended many offers to help her and have often bent their own rules and policies to allow the Student-Appellant to complete her course work. The disconnect between the Student-Appellant and her Division is obvious, but what is much less obvious is how to address it.

#### *Request for further deferral in a Completed Course*

The Student-Appellant enrolled in WYT3325, *The Holy Spirit: Exploring Pneumatology*, in the Summer term of 2023. Her paper in the course was due on August 18, 2023. After receiving two extensions she submitted a paper on January 10, 2024 and received a mark of B-. There was a dispute at our December 19, 2025 hearing about whether this issue had been raised below, at the Appeals Committee meeting that took place on May 27, 2024, that led to the June 3 decision that is the subject of this appeal. The Student-Appellant insisted that she raised this request orally at that hearing. The Toronto School of Theology's representative said that she did not, but he was not at the hearing. Your Committee will give the Student-Appellant the benefit of the doubt, and address this issue, which would otherwise not be properly considered.

The Student-Appellant was given a deadline extension for her written submission in this course twice. She told us that she felt certain that she would be removed from the program if she failed to meet the deadline, and while she was not happy with the state her paper was in, she submitted it on its extended deadline. She did not request a third extension. In hindsight she determined that she would have been justified in asking for a third extension and she wishes she had done so. She described feeling that she submitted the paper under duress.

Neither Accessibility Services nor the Toronto School of Theology were aware of the Student-Appellant's state of mind when she submitted the paper. It is not reasonable to ask faculty members to mark papers and divisions to post grades and then ask them to accept a different written submission after the fact. The need for finality and stability in course outcomes is important. If the Student-Appellant is determined that she wants to submit a new assessment in that closed course, the appropriate remedy might be to make a request for retroactive Withdrawal and then retake the course. Your Committee hesitates to recommend that course of action, since the Student-Appellant was given the prescribed accommodations during the original course. In any event, we have neither the expertise nor the authority to assess whether the accommodations provided to the Student-Appellant were appropriate. If she wishes to make that argument it will require a separate petition and a hearing on those issues.

### Probationary Standing

Finally, we arrive at the first remedy requested by the Student-Appellant: a request to be restored to satisfactory standing. In one sense this is the simplest question before your Committee. It is simple because it is moot—the Student-Appellant was restored to satisfactory standing in January of 2025.

Nonetheless, your Committee wants to note for the record how damaging the continued application of probationary standing was to the Student-Appellant. The Student-Appellant understood that she could be placed on probationary standing when her grade point average fell before the threshold but objected when the Division put her on probationary status after that issue was resolved. The Toronto School of Theology pointed out that their policy allowed them the discretion to keep students on probationary status, arguing:

Students “who are in academic difficulty (poor grades, absence from class, incomplete courses not meeting outcomes and professional competencies etc.) may be place[d] on academic probation by the Faculty” (emphasis in original) [Citing the *Knox College Handbook*, pp. 13-14.]

Your Committee agrees that the Division followed its policy but urges the Division to provide more detail in its Handbook, explaining to students with as much certainty and clarity as possible when a student can be kept on probationary standing once their grade point average rises above the threshold outlined in the Handbook. This appeal has provided a compelling example of the kind of mischief that kind of discretionary decision-making can do. The Student-Appellant made a convincing case that this policy has been hurtful, telling your Committee that she perceived bias in this decision. She testified that during the probationary period she was reluctant to ask for academic accommodations that may have been appropriately granted because she was afraid that she would be “kicked out” of the program if she asked for them. The Student-Appellant told your Committee that even though the probationary standing has since been lifted she can “still feel it,” and that she still believes she is in a disfavoured state compared to her classmates.

There is little evidence that there was racial bias behind the decision. The Senior Administrators have been generous to the Student-Appellant, meeting with her frequently, making extensive efforts to meet her needs, and taking her concerns seriously. They appear to be acting in good faith and seem to be convinced that the continuing probation was appropriate and would in fact benefit the Student-Appellant because of the students’ problems managing her academic work. But the lack of clarity on why the probation was imposed has already done its damage: the Student-Appellant’s uncertainty about the reasoning for the continuing probation and her apprehension of bias are real, even in a case where there likely was no bias. This is why this Committee asks the Division to be transparent about its reasons for imposing probation for academic difficulty. We urge the Division to revisit its policy and make it non-discretionary, establishing a global list of factors that will lead to probationary standing that is applied consistently to all students. This will reduce the possibility of unconscious bias in the application of the policy, and reduce students’ anxiety about bias, both of which would serve the Division well.

#### **IV. Conclusion**

For the reasons set out above, the Student-Appellant’s appeal is dismissed.

**UNIVERSITY OF TORONTO**  
**GOVERNING COUNCIL**

Report #450 of the Academic Appeals Committee  
March 31, 2026

To the Academic Board  
University of Toronto

Your Committee reports that it held a hearing on March 3, 2026, at which the following members were present:

**Academic Appeals Committee Members:**

Cheryl Milne, Chair  
Professor Donald Ainslie, Teaching Staff Governor  
Evan Chan, Student Governor

**Hearing Secretary:**

Karen Bellinger, Associate Director, Office of Appeals, Discipline and Faculty Grievances

**For the Student Appellant:**

Z.Z. (the “Student”)

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

Professor Evan Bentz, Vice Dean, Undergraduate

**OVERVIEW**

The Student appeals the decision of the Faculty of Applied Science and Engineering (“FASE”) Academic Appeals Board (“AAB”) which upheld the decision of the FASE Undergraduate Assessment Committee (“UAC”) to deny the Student’s petition for a retroactive withdrawal without penalty from the course, ESC101H1: Praxis I (“ESC101”), for which he received a failing grade. For the reasons that follow the appeal is dismissed.

**FACTS**

The Student was in his first semester of his first year in the undergraduate engineering program in respect of the course for which he sought a late withdrawal. He is an international student and advised the Academic Appeals Committee (“AAC”) that his English language skills are not strong. While he initially asked whether an interpreter would be available at the outset of the hearing, he had not made an advance request for an interpreter and confirmed to the AAC that he was able to understand the proceedings and communicated his submissions clearly.

The Student was enrolled as a full-time student in which ESC101 was only one of the courses for which he had exams during the month of December, 2024. It is a course with a large English language component unlike the other courses he took that term, as described by the Student. Following the final exam, which took place on December 7, 2024, the Student received a failing grade in the course. His grades for the courses with exams from December 9 through 18, 2024, ranged from 75% to 85%.

The basis for the Student's petition was that he suffered from emotional distress due to a breakup with his long-term girlfriend. In his petition for the late withdrawal he stated,

On December 10th, 2024, my long-term girlfriend had decided to end our relationship. This breakup happened suddenly and was a huge shock to me. I struggled a lot with the emotions that came after. For days and weeks, I could not focus on my studies. I also had trouble with sleeping. This made it very hard for me to perform well in school.

He accompanied the initial petition with documentation of monthly counselling that he received commencing on December 15, 2024. His petition noted that he "began experiencing significant emotional distress on December 10, 2024, with moderate depression and moderate anxiety symptoms that persisted throughout this period."

The UAC turned down his request for late withdrawal on March 24, 2025, stating that "there was insufficient reasoning for the petition or that the reason stated is not one the Faculty provides accommodations for."

The Student's appeal to the AAB was accompanied by a further psychological assessment performed on March 7, 2025, that confirmed the onset of his anxiety and depression as of December 10, 2024, when he and his girlfriend broke up. The AAB met on July 16, 2025, for a hearing to review his appeal and the additional documentation. In dismissing the appeal the AAB stated,

The AAB was sympathetic to your medical circumstances. After reviewing all the information provided, the Board found insufficient justification to grant your request of a single course withdrawal, agreeing with the Undergraduate Assessment Committee (UAC)'s reasoning.

Professor Evan Bentz, on behalf of the Division, noted that the date of the onset of the Student's distress post-dated the exam in question and that the Student had not explained this discrepancy in his petition. He also did not adequately explain the request for withdrawal for only one course. When asked in the hearing, the Student stated that he did not remember clearly what had happened a year ago, but that there had been some fighting leading up to December 10, 2024, that had exhausted him. His explanation for why only ESC101 was affected, was that it contained a lot of English and that his girlfriend had assisted him with the language.

**DECISION**

Given the psychological assessment materials provided by the Student which were considered by the UAC and the AAB, and the reasons given by the Student for the request for withdrawal for only ESC101, despite the timing of his distress and the grade performance in the other subsequent exams, the decision of the AAB denying the appeal was fair and reasonable.

The appeal is dismissed.

**UNIVERSITY OF TORONTO  
GOVERNING COUNCIL**

Report #451 of the Academic Appeals Committee  
April 29, 2026

To the Academic Board  
University of Toronto

**Senior Chair:**

Professor Hamish Stewart

**For the Student Appellant:**

J.C. (the “Student”)

**For the Lawrence S. Bloomberg Faculty of Nursing:**

Kristen Reichold, Director, Office of the Dean

Decision on Motion to Dismiss Without a Hearing

The Student was dismissed from the Bachelor of Science in Nursing (BScN) at the Lawrence S. Bloomberg Faculty of Nursing (the “Faculty”). She appealed the dismissal to the Faculty’s Faculty Council Appeal Committee (FCAAC). The FCAAC allowed the Student’s appeal and reinstated her in the BScN program, but attached conditions to the reinstatement. At the hearing of the appeal, at which the Student was present, counsel for the Student agreed that the conditions were appropriate. The Student seeks to appeal to your Committee. She argues that the conditions imposed on her reinstatement were unreasonable. The Faculty moves to quash the Student’s appeal for want of jurisdiction. The Faculty says that her appeal having been granted at the divisional level, the Student has nothing to appeal to your Committee. The Student argues that she was not entirely successful at the divisional level because she did not accept the remedy granted by the FCAAC; in her submission, she is therefore entitled to appeal to your Committee.

The Senior Chair agrees with the Student that a student may appeal a divisional decision that, while granting their appeal, does not grant them the specific remedy that they sought. In such a case, your Committee would decide whether the remedy granted at the divisional level was reasonable. But, if a student agreed to a remedy granted at the divisional level, even if it was not the specific or the primary remedy sought, it would not be appropriate for your Committee to hear their appeal. Such an appeal would be subject to being quashed on a preliminary motion or to being dismissed at a hearing without consideration of its merits. It might be said that such an appeal was moot (see Report #439), or (as the Faculty argues here) that your Committee lacked jurisdiction to hear it, or that it was frivolous and

vexations (Rules 35 and 36), or that the student was estopped from bringing it. Regardless of the precise legal characterization of such an appeal, the point is that when a student is successful in divisional proceedings and accepts the remedy granted at the divisional level, there is nothing to appeal to your Committee.

The only issue here is whether the Student is bound by her counsel's agreement that the decision of the FCAAC was an appropriate resolution of her appeal. If not, the Student can appeal to your Committee; if so, she may not. The Senior Chair finds that the Student accepted the appropriateness of the remedy granted by the FCAAC and is therefore bound by the position taken by her counsel. Accordingly, her appeal is quashed on the ground that your Committee lacks jurisdiction to hear it.

During the 2024/25 academic year, the Student was enrolled in the first year of the BScN program in the Faculty. She failed two courses and passed the others, though she received grades that were significantly below the B+ average that is the norm for students in the BScN program. The Student was dismissed from the BScN program. Her petition for reinstatement was dismissed by the Faculty's Committee on Standing.

The Student appealed the dismissal of her petition to the FCAAC. In those proceedings, the Student was represented by Downtown Legal Services (DLS), a student legal aid clinic operating at the Henry N.R. Jackman Faculty of Law. The Student was represented by Ms. Katie Power, a law student working under the supervision of Ms. Jennifer Fehr, DLS review counsel. The materials placed before the FCAAC included new evidence that had not been made available at earlier stages of the proceedings. In her amended Statement of Appeal, the Student sought the following remedy:

[The Student] asks that the [FCAAC] allow this appeal and grant her the remedy of reinstatement, with the opportunity to re-take the classes she failed.

The appeal was heard on 17 October 2025. As is customary in the University's academic appeal processes, the hearing was not recorded. But minutes were kept. The Student was present. Ms. Power and Ms. Fehr appeared. Ms. Power made submission on behalf of the Student and responded to questions from the FCAAC. Professor Kim Widger, Associate Dean, Academic, made submissions on behalf of the Faculty and responded to questions from the FCAAC. Ms. Power and Ms. Fehr made a final statement, took a break to confer with the Student, and then made a closing statement. Professor Widger made a closing statement for the Faculty. The minutes include a summary of the FCAAC's decision (emphasis added):

- Restart Y1 in fall 2026
- Repeat all previous courses, *even courses that were previously passed*

- A subsequent failure in any one course will be grounds for refusal of further registration in the program

On 28 October 2025, Professor Kelly Metcalfe, Chair of the FCAAC, wrote to the Student with a more detailed account of the FCAAC's decision and its reasons. The letter indicates that although the FCAAC did not accept all of the Student's arguments, and in particular did not accept her claim that the Faculty had failed to meet its duty to accommodate, the Student's new evidence "provided important context for this appeal" that justified setting aside the dismissal. The remedy was stated as follows (original emphasis):... the Committee has decided to reinstate you in the BScN program, with conditions attached to your reinstatement. You will be required to restart year 1 in fall 2026 and repeat all courses taken, even those previously passed, to position you for success in the program. A subsequent failure in any **one** course in the BScN program will be grounds for refusal of further registration in the program.

The letter provides detailed reasons, linked to the nature of the BScN program and to the Student's particular circumstances, for requiring the Student to repeat all of Year 1 rather than just the two courses that she had failed. The letter states (emphasis added):

... the Committee determined that you must repeat Year 1 to prepare you for a successful return while mitigating any potential impact on patient safety. *Your representative suggested during the appeal hearing that this would be an appropriate outcome.*

On 19 December 2025, the Student wrote to Professor Heather Thomson, Director of the Faculty's undergraduate program, seeking what she referred to as "a proportionate variation to the condition that I repeat the entire first year." Specifically, she sought an opportunity to retake one of the failed courses and write a deferred examination in the other. This is the first indication in the material filed on this motion that the Student did not agree with the remedy granted by the FCAAC. On 22 December 2025, Professor Thomson replied, stating that the Faculty would implement the remedy granted by the FCAAC. (Student's Appeal Materials, pp. 302-3.)

On 26 January 2026, the Student filed this appeal to your Committee.

The question whether the Student, if reinstated, should be required only to repeat the two failed courses or to repeat all of year 1 was a central issue at the FCAAC hearing. Her counsel agreed that repeating all of year 1 would be an appropriate remedy.

The Student does not seriously contest those points. But the Student now says that she never personally agreed that reinstatement subject to conditions would be acceptable to her. She makes this point in a number of different ways. In her “Submissions on Jurisdiction,” she states the following (paras. 7, 8):

In my filed materials, I sought targeted relief, namely permission to retake only the failed or impairment-affected courses. I did not seek a blanket repetition of the entire first year.

Even if my representative indicated a willingness to accept a Year 1 repeat as a possible condition of reinstatement, that does not establish that I personally agreed it was the appropriate or proportionate remedy.

In her appeal materials (p. 222), she puts the point as follows:

... any willingness to accept a full repeat during the hearing was a contingent, tactical position taken in response to the threat of non-reinstatement; it was not a retreat from my written remedy, which explicitly sought to retake only the failed or accommodation-affected courses.

The Student also notes that in her original written submission to the FCAAC, the remedy she sought was stated in different terms from the remedy sought in her Amended Statement of Appeal (Submissions on Jurisdiction, para. 7). The two versions of the remedy sought are not substantially different and nothing turns on the difference between them.

At some points in her submissions, the Student suggests that there was a divergence between what her counsel was willing to accept and what she personally was willing to accept. This suggestion in essence asks the Senior Chair to find that DLS review counsel ignored or overrode the Student’s instructions at the hearing of the appeal. The Senior Chair rejects this suggestion. The Senior Chair is not prepared to find, without any evidence, that competent counsel overrode or ignored her client’s instructions concerning a critical issue that had been extensively discussed at the hearing: the conditions on which the Student would be reinstated into the BScN program. Further, contrary to the Student’s implication, the materials filed on this motion suggest not only that the Student never objected her counsel’s statement that repeating all of Year 1 would be an appropriate outcome but also that the Student conferred with counsel concerning this issue during the hearing and agreed with her counsel’s position. The Student’s statement regarding her “willingness to accept a full repeat during the hearing” further supports the conclusion that the Student agreed with her counsel’s position. This acceptance of a full repeat may well have been a “tactical position”, as she says, but it was nevertheless the position she took at the hearing. She cannot resile from it now.

The Senior Chair finds that the Student, through her counsel, accepted the suggestion that repeating Year 1 was an appropriate outcome of the appeal and that on subsequently reading the FCAAC's reasons for its decision, she changed her mind.

It may well be, as the Faculty argues in its submissions, that even if the Student did not personally agree to the remedy granted by the FCAAC, the Student is bound by her counsel's agreement. But given the Senior Chair's findings, it is not necessary to decide that point.

Accordingly, the appeal is quashed.