



# University of Toronto

OFFICE OF THE GOVERNING COUNCIL

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TO: Members of the Academic Board

SPONSOR: Nancy Smart, Judicial Affairs Officer

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DATE: November 8, 2007

AGENDA ITEM: 8 (a)

## **ITEM IDENTIFICATION:**

### **Reports of the Academic Appeals Committee**

## **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 5.3.3 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.

## **RECOMMENDATION:**

For information.

## **UNIVERSITY OF TORONTO GOVERNING COUNCIL**

Report #314 of the Academic Appeals Committee  
**March 9, 2007**

Your Committee reports that it held a hearing on Tuesday, February 20, 2007, at which the following were present:

Professor Emeritus Ralph Scane, Senior Chair  
Professor Jan Angus  
Mr. Kristofer Coward  
Professor William Gough  
Ms Maureen Somerville

Dr. Anthony Gray, Judicial Affairs Officer

**In Attendance:**

the Student Appellant

For the Faculty of Arts and Science:  
Ms Sari Springer (Counsel)  
Ms Elaine Ishibashi, Associate Registrar  
Professor Suzanne Stevenson, Acting Vice-Dean, Undergraduate Education and Teaching

This is an appeal from the decision of the Academic Appeals Board of the Faculty of Arts and Science, dated February 2, 2006, which dismissed an appeal from a decision of the Committee on Standing, dated September 27, 2005. The latter decision dismissed a petition to permit late withdrawal without academic penalty from the course RLG211Y1Y, taken in the 2003 – 2004 academic year. The Student received a grade of “F” in this course.

The Student entered the B.A. programme at St. Michael’s College in the Fall Term of 2003. She was then 17 years old and had completed high school in three years. In her first term, she took three full courses and one half-course, which latter course she completed with a grade of “B”. In the second, or Winter term, she continued the three full courses and added a new half course. She received a grade of “B” in the half course, and grades of “C” and “B-” in the two full courses other than RLG211Y1Y which she completed that year. Her cumulative GPA at the completion of the Academic year was 1.93, and accordingly she entered the following academic year in good standing. The purpose of this appeal is to remove the failed subject from her transcript.

We note that the Student did not file her first petition in this matter until May 2, 2005, over 5 months after the deadline of November 25, 2004, and did not file an appeal from the negative

decision on that petition to the Committee on Standing until August 24, 2005. The further appeal to the Academic Appeals Board was not filed until November 30, 2005. The Student stated that she was unaware of the appeals process or its deadlines. At any rate, the late filings were waived by the appeal bodies below, and are referred to here merely as an explanation for some of the time elapsed in the appeal reaching your Committee.

The basic reason given by the Student for her failure in the course RLG211Y1Y is that she was overwhelmed by extracurricular demands upon her time arising out of her assistance to her father with respect to family litigation, and emotional stress as well as time demands flowing from the serious illness of an aunt and a grandmother during the academic year.

Unlike the other courses the Student took in the 2003–04 academic year, in which final examinations formed the major component of the course mark, the course in question was graded solely on four take-home assignments and a tutorial grade. The Student states that it is for this reason that the factors to which she attributes her failure in this course did not have so adverse an effect on the remaining courses she took in this academic year.

The Student states that the course syllabus stated that the late penalty for papers in the course was 1% per day, but that the course instructor had told the class at the beginning of classes that this was not a firm figure. The Student handed in the first assignment, due October 9, 2003 on December 4, 2003, about six weeks late. The instructor reduced the original mark on merit from “B+” to “C-”, as a lateness penalty, and added the comment, “[h]anding assignments in on time will give you the mark you deserve.” The second assignment was due on November 27, 2003, but was apparently not handed in until March 4, 2004, well past the “drop date” for the course, February 15, 2004. This paper was failed by the instructor for lateness. The third paper, due February 24, 2004, was tendered only on April 8, 2004, and was not accepted due to lateness. The fourth paper, due April 8, 2004 was handed in in early May, 2004.

The Student was working up to 27 hours per week during the Fall term of 2003 to meet her financial needs. In addition to this outside job, she was also working at home as her father’s secretary, particularly with respect to a lawsuit in which her father was embroiled, and which during most of the relevant time he was carrying on without professional assistance, again for financial reasons. The actions had been substantially dormant for some time, but in September, 2003, the Superior Court of Justice for Ontario instituted status reviews for dormant cases on its lists, and, on September 16, 2003, ordered a pre-trial conference of the parties to take place on February 5, 2004. In late February, 2004, a trial date in May, 2004 was assigned. Revived activity in the lawsuit caused the Student to become heavily involved in the preparation of the documentation required, as well as work in the management of her father’s companies.

In September, 2003, the Student’s aunt was diagnosed with breast cancer. She had surgery in late October, 2003, and commenced chemotherapy in December, 2003. In January, 2004, the Student’s 80 year old maternal grandmother was hospitalized with congestive heart failure and chronic renal failure. She was readmitted to hospital on January 28, 2004 for what was diagnosed as chronic anxiety, and discharged again on February 3, 2004. Both the grandmother’s and the aunt’s

conditions were a matter of deep concern to the Student's mother, the aunt's sister, and the Student's time and energy were also called upon to support her mother.

The Faculty of Arts and Science did not dispute the facts upon which the Student relied, nor the overall seriousness of the impact upon the Student, but did dispute that the facts justified the relief sought.

Your Committee has on a number of occasions dealt with petitions for late withdrawal from a course without academic penalty, and has consistently stressed that this remedy will not be lightly granted. The most thorough discussion of your Committee's interpretation of the University's position with regard to such requests of which this panel of your Committee is aware is found in Report # 264, dated March 14, 2002. In that Report, the then panel of Your Committee said:

*It is clear from previous decisions of your Committee, as well as from regulations of the various divisions of the University, that permission for late withdrawal without penalty may be granted, but such relief is far from a matter of course. The very existence of "drop dates" demonstrates that those charged with legislating University academic rules and regulations have adopted a policy that is far from paternal in this regard. Up to the "drop date", the University leaves the matter entirely in the uncontrolled discretion of the student. The student's reasons for dropping a course may range from merest whim to desperation. However, by that date the student is expected to have assessed his or her circumstances, and made an election. If the student elects to continue with the course, the consequences of that election must be accepted, and no allowance will be made for the effect of circumstances existing at the "drop date", including the continuation of those circumstances after that date, if continuation should reasonably have been anticipated, however detrimental to the student's performance they may be. In short, the University, by adopting "drop dates" which are set considerably before the end of the relevant terms, has set its face against a student, at the time the "drop date" forces a choice, from gambling, substantially risk free, that the situation with respect to a course can be repaired.*

*Without attempting to be exhaustive, the obvious circumstances where this policy does not apply are when unanticipated circumstances arise after the "drop date", when then existing circumstances unexpectedly become significantly more severe, or when existing circumstances were reasonably expected to abate, but did not.*

Your Committee is unanimously of the view the circumstances of this case cannot be brought within the exceptions to the general policy described in the above Report. By the "drop date", February 15, 2004, it was known that the demands imposed upon the Student by the lawsuit were intensifying. The setting of the May trial date, in late February, may have surprised the Student, and continued or increased pressure she had expected to abate somewhat, but in all the circumstances, your Committee does not consider that this provides sufficient excuse for the default with respect to the first three papers. The situation with regard to the aunt and grandmother was known. The grandmother was hospitalized again in March of 2004, for gastritis resulting from a drug she was

taking, and the Aunt was diagnosed with a cyst on the uterus, later diagnosed as benign, in late April, 2004. However, allowing that these circumstances increased stress upon the Student, they occurred after the Student had defaulted so severely with respect to the first three assignments in the course in question that her situation was almost certainly irreparable. The diagnosis of the aunt's later condition occurred after the last assignment was due.

The Student told your Committee that, after receiving back the first assignment, with a lateness penalty of one and one-half grades imposed, she felt that she would be able to complete the course safely, as she expected to write assignments at a level which, like the first, could absorb comparable late penalties and still pass. She criticized the course instructor for not warning her clearly that the penalty on the first assignment incorporated some leniency, and stated that, had he been more severe and awarded a "D", she would have dropped the course. Your Committee considers that the penalty imposed on the first assignment was sufficiently clear and severe that no reasonable student could have been lulled into a sense of security with respect to this instructor's approach to time defaults.

Therefore, the Student not coming within the exceptions, the only question remaining is whether the general policy should be revisited and amended, to enable the granting of relief to the Student. The minority of your Committee considers that, as the University now has several years experience of the effect of admitting students who are one year younger, due to the abolition of Grade XIII in Ontario, experience requires that the policy be amended to be more generous in allowing relief to younger first year students who make unwise decisions, and that such relief should be granted in this case. The majority of your Committee does not consider that it should attempt to revise a policy that has been generally applied by so many panels of your Committee, and, it assumes, by the various divisions, on the basis of this one case. If it were prepared to qualify the policy on the basis of one case, this is not the case that tempts it to do so.

Your Committee does recommend that the University undertake a review of the situation with respect to the younger students now being admitted in greater numbers, to consider whether policies should be reconsidered with this fact in mind, and whether the University needs to become more proactive than at present in reaching out to this particular group of students.

The appeal is dismissed.

**THE UNIVERSITY OF TORONTO  
THE GOVERNING COUNCIL**

Report #315 of the Academic Appeals Committee  
**March 22, 2007**

Your Committee reports that it held a hearing on Friday, March 16, 2007, at which the following members were present:

Professor Emeritus Ralph Scane, Senior Chair  
Professor Jan Angus  
Professor Brian Corman  
Ms. Estefania Toledo  
Professor John Wedge

Dr. Anthony Gray, Judicial Affairs Officer

**In Attendance:**  
the Student Appellant

For the University of Toronto at Mississauga (UTM): Professor G. J. Anderson

This is an appeal from the decision of the Academic Appeals Board of UTM, dated October 20, 2005, dismissing an appeal from a decision of the Committee on Standing. The latter decision dismissed a petition by the Student to be permitted late withdrawal without academic penalty from the courses, WRI203H5, STA220H5 and PSY220H5, taken in the Fall term of 2003. The Student received grades of F in each of these courses. During that term, the Student was also taking a full credit course.

The Student entered this University in 1999. He has never taken the maximum permitted course load in any term. Following the 2000 Summer term, he was placed upon academic probation, and following the 2001 Winter term, he was suspended for one year. He returned to the University in the Fall term of 2002, and enrolled in two full courses, which were successfully completed in the Winter term of 2003. However, he was placed on academic probation again. He continues to take courses towards his degree.

During and for several years prior to the Fall term of 2003, the Student was under psychiatric treatment. In a report dated March 8, 2004, Dr. Jeeva, the psychiatrist treating the Student since February, 1998, stated that the Student was diagnosed with Adult Attention Deficit Disorder, Major Depression and Impulse Control Disorder. The Adult Attention Deficit Disorder was characterized as extreme. Dr. Jeeva stated,

“He is unable to hold a job. His concentration is very poor and he has great difficulty in remaining focused. He has difficulty waking up on time, and he forgets appointments, he frustrates his employers, colleagues and customers. Therefore, he is not a very good candidate for work. He is likely to require rehabilitation in the future.

[The Student] also experiences significant mood swings which affects his temperament. As a result, he often loses his temper with his family and friends. This is causing a great deal of conflict for him. He is not able to cope living on his own, so he is totally dependant on his parents. This is extremely difficult for everyone concerned.”

Your Committee accepts that the above report represents an accurate picture of the Student’s mental health during the Fall term of 2003, during which the courses in question were taken.

The Student also gave evidence that he was badly distracted from his studies by other external factors. In February, 2002, he was charged with a serious criminal offence, and preparation for and concern about his trial preoccupied him. He was ultimately acquitted at a trial which took place in middle or late October, 2003. The Student also stated that, after returning to University following his suspension, he fell in with a “bad crowd”, which was a further distraction from his studies.

Your Committee does not doubt that this Student’s mental health issues pose a serious handicap to his academic success. He has been advised in 2005 by the UTM Committee on Standing to seek counseling. It may be that the University’s Accessibility Services could offer useful assistance. However, that is not the issue here. Your Committee was advised by UTM that the drop date for the half – courses in question was sometime in early November, 2003. By that date, the Student had been acquitted of the charges against him. There was no evidence of any change in his mental health problems, of which he was fully aware, after the drop date from the state of affairs which existed before that date. He stated that he felt under pressure from and duty to his parents to continue to try to make a success of this term, especially after having undergone a suspension from the University. Your Committee does not consider that this justifies a departure from the University’s policy that drop dates will not be waived in the absence of some subsequent significant change for the worse in the circumstances affecting a student’s performance, which could not reasonably have been foreseen at the drop date. Here, your Committee can find no such circumstances.

The appeal is dismissed.

Professor Emeritus Ralph Scane, Senior Chair

**UNIVERSITY OF TORONTO  
GOVERNING COUNCIL**

Report #316 of the Academic Appeals Committee  
**April 9, 2007**

The Academic Appeals Committee reports that it held a hearing on Friday, March 9, 2007, at which the following were present:

Assistant Dean Kate Hilton, Chair  
Mr. Kristofer Coward  
Professor William Gough  
Dr. Joel Kirsh  
Professor James Rini

Dr. Anthony Gray, Judicial Affairs Officer

**In Attendance:**

the Student Appellant

For the Student Appellant:  
Mr. Chris Burr (Counsel)  
Ms. Janye Lee (Counsel)

For the Leslie Dan Faculty of Pharmacy:  
Associate Dean Lesley Lavack,  
Ms. Brenda Thrush, Registrar

**The Appeal**

The Student is appealing the decision of the Faculty of Pharmacy Appeals Committee, dated July 10, 2006, which denied the Student's petition to write supplemental examinations in two of his courses (PHM 222 and PHM 228) and also his petition for alternative relief in the form of permission to repeat Year 2 of the Pharmacy program in its entirety. In this appeal to the Academic Appeals Committee, the Student seeks the sole remedy of readmission to the Faculty of Pharmacy for the purpose of repeating Year 2 of the program.

**Facts**

After completing 2.5 years of study at Concordia University in a Bachelor of Science program, the Student applied to transfer to the Leslie Dan Faculty of Pharmacy at the University of Toronto ("Pharmacy"). He was admitted to the Pharmacy program in September of 2002.



The Student experienced academic difficulty in the Pharmacy program. Pharmacy's policies require that students complete all of the academic requirements of a given year of the program before advancing to the next year. In order to advance, students must earn a passing grade in each course and must also obtain an annual GPA of at least 1.7. If a student obtains an annual GPA of less than 1.7, the student is considered to have failed the year and must repeat the failed year in its entirety. If a student obtains an annual GPA of less than 1.7 twice, the student is not permitted to continue in the Pharmacy program. In addition, up until 2005, students who failed a year were required to rusticate (take a leave of absence) for a full academic year before being eligible to request readmission.

In 2002-2003, the Student enrolled in Year 1 of the Pharmacy program and obtained an annual GPA of 0.98. Having failed the year, the Student was required to rusticate during the 2003-2004 academic year. In 2004-2005, the Student returned to Pharmacy and re-enrolled in Year 1 of the program. He obtained an annual GPA of 2.20 and was permitted to advance to Year 2. In 2005-2006, the Student obtained an annual GPA of 1.40 in Year 2. Having not obtained an annual GPA of 1.7 in two separate years, the Student was informed that his admission and registration in the Pharmacy program would be cancelled.

The Student petitioned the Pharmacy Appeals Committee for permission to write supplemental examinations in two failed courses (PHM 222 and PHM 228), and in the alternative, to repeat Year 2 of the Pharmacy program. The Student provided evidence that he had been severely affected by his father's ill health and by financial pressures during the 2005-2006 academic year, and that he had been unable to concentrate on his studies to the extent necessary. The Pharmacy Appeals Committee denied the Student's appeal. In its written decision, the Pharmacy Appeals Committee stated that the Student did not have "a concrete plan" to deal with his family issues, and it expressed concern that the Student would continue to perform poorly if his father's health, which had stabilized, deteriorated again. The Pharmacy Appeals Committee also stated as follows:

Your overall academic record at this Faculty is not strong. Your failure in first year and your year of rustication ought to have offered you some insight into the work you would have to put into your studies in order to achieve passing grades at this Faculty. Following rustication your casual attitude toward your studies was unacceptable. We understand your desire to support your family in Montreal but we had considerable difficulty understanding how you could place the success of your brother's business interests ahead of your academic responsibilities at the Faculty.

On October 13, 2006, the Student appealed to the Academic Appeals Committee of Governing Council. The Student asked this Committee to permit him to re-enroll in Pharmacy and to repeat Year 2 of the program.

### **Decision**

Your Committee is of the view that the appeal should be denied.

The main issue before this Committee was whether or not the Student had suffered from an undiagnosed mental illness during the 2005-06 academic year which had prevented him from performing to the standard required by the Pharmacy program. The Student presented evidence to demonstrate that he was under stress during 2005-06. The Student's main source of stress was the fact that his father was experiencing some health problems relating to diabetes and arthritis. The Student was anxious about his father's health, and traveled to Montreal approximately once a month to be with his family. During these visits, he helped to care for his younger brother, who is autistic, and also helped his mother with a range of household tasks. His older brother, who was starting a business at the time, was traveling often and some of his regular responsibilities fell to the Student. The Student also experienced some financial anxiety during this time. His father was not working, and the Student, a practicing Muslim, was reluctant to apply for OSAP because of a religious prohibition against taking interest-bearing loans.

The medical evidence in this case is extremely weak. The Student did not seek assistance from medical or mental health professionals in 2005-06, and consequently, there is no medical documentation available in relation to the Student's alleged mental illness. In preparation for this appeal, the Student visited a psychologist on one occasion (in November 2006, following his expulsion from Pharmacy). He was not prescribed any medication and has not continued with any form of treatment for anxiety.

The Student provided extensive oral evidence about the nature of his symptoms during the 2005-06 academic year. While this Committee does not doubt that the Student experienced some stress and anxiety as a result of his family situation, it does not accept that the Student was incapacitated to the point of mental illness. Undoubtedly, many students at the University of Toronto will experience familial and/or financial pressures during the course of their studies. In this case, the Student was not able to demonstrate that his situation merited extraordinary relief.

While this Committee has arrived at the same decision as the Pharmacy Appeals Committee, we wish to note that we disagree with the reasons offered by the Pharmacy Appeals Committee. In our view, the Pharmacy Appeals Committee had no basis for concluding that the Student returned from his year of rustication with a "casual attitude" to his studies, or for concluding that the Student "place[d] the success of [his] brother's business interests ahead of [his] academic responsibilities." Rather, this Committee notes that the Student was admitted to Pharmacy with a weak academic record as compared with the rest of his class, and consequently, that he struggled to stay afloat in a challenging program. Unfortunately, when faced with some external stressors (of the kind faced by many students at the University of Toronto), the Student was simply unable to meet the requirements of the Pharmacy program.

This Committee also wishes to comment on Pharmacy's approach to advising students about the resources available to them if they should experience academic difficulty. This Committee acknowledges that the Student did not advise the administration at Pharmacy that he was struggling with personal and financial difficulties at any point during the

2005-06 academic year. This Committee also accepts that Pharmacy has a number of procedures in place to assist students in distress when such issues are brought to the Faculty's attention. However, this Committee is of the view that Pharmacy may wish to consider other approaches in order to ensure that students are aware of the range of options available to assist them. For example, Pharmacy ensures that all first-year students receive information about the petition process; however, unless students seek an appointment with the Registrar, they are not told that they may request a leave of absence or a reduction in their course load. This Committee was also concerned to hear that the Student was completely unprepared for his hearing before the Pharmacy Appeals Committee. Despite the fact that the Student spoke with the Registrar prior to his hearing, he was clearly surprised by the adversarial nature of the process. This Committee notes that the University has an institutional interest in seeing students present their "best case" before the divisional appeals committee, so that a meaningful exploration – and final resolution – of the issues is possible. To this end, this Committee encourages divisions to pay particular attention to the information and resources provided to students pursuing an appeal, with reference to the Policy on Academic Appeals Within Divisions, and to the best practices contained in the Provost's Framework for the Divisional Appeals Processes.

The appeal is denied.

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

Report #317 of the Academic Appeals Committee  
**April 9, 2007**

Your Committee reports that it held a hearing on Thursday March 22, 2007 at which the following were present:

Assistant Dean Kaye Joachim, Chair  
Professor Jan Angus  
Ms. Coralie D'Souza  
Professor William Gough  
Dr. Joel Kirsh

Dr. Anthony Gray, Judicial Affairs Officer

**Appearances:**

the Student Appellant

For the University of Toronto at Mississauga:  
Gordon Anderson, Chair, Academic Appeals Board, UTM

**The Appeal**

The Student is appealing from the Academic Appeal Board's decision of February 16, 2006 to deny her request for late withdrawal from CHM139H1 and JBC102HF.

She also seeks leave to file a late appeal to a subsequent decision of the Academic Appeal Board dated June 29, 2006 denying late withdrawal from PSY328H1 and PSY341H1.

Late Withdrawal from CHM189H1 and JBC102HF

The Student has a long medical history of anxiety and depression which has been treated over the years with medication and psychotherapy.

She holds a B.Comm from the University of Toronto from 1985 which she stated she obtained by taking courses over a lengthy period of time, in part because of her medical condition.

In the fall of 2003 she returned to the Mississauga campus and began taking courses towards a science degree. She has not declared a major. She was given credits from coursework she had previously undertaken at Waterloo and more credits from her previous U of T studies.

The Student has a lengthy history of seeking petitions for extensions and withdrawals. Mississauga has a policy of permitting students to withdraw late without academic penalty on one occasion before strictly applying the deadlines to drop courses.

The Student was granted permission to write a special deferred exam in the winter of 2004.

She was granted an extension of time to complete term work in a fall 2004 course. She sought but was refused a request to withdraw late after writing the final exams in two fall 2004 courses.

She was granted permission to withdraw late from a fall 2004 course due to the illness of a family member.

In accordance with the above policy of giving a student “one free pass” on the late withdrawal policy, the Student was granted permission to withdraw late from three courses in the summer 2005 term, without academic penalty, although the institution did not believe there was any justification for the failure to withdraw in time. She was advised that in the future she must observe university deadlines for dropping courses.

In the fall of 2005, she applied to withdraw late from CHM139H1F. It is not clear when she made the request, but it was some time after the deadline for dropping the course.

She missed the exam in the fall 2005 course JBC102HF. She was refused permission to defer the exam and to withdraw from the course late.

She is appealing the refusal to permit late withdrawal from these two fall 2005 courses on the basis of her ongoing anxiety and depression.

The medical evidence indicates that the Student’s anxiety and depression is longstanding. She is under the care of a physician for counseling and takes medication. She often missed classes and submitted medical notes to explain her absence. She had not submitted any term work by the deadline for dropping the courses.

The Student was aware of the deadline for withdrawing from the courses, and was aware that she had not completed any term work in the courses. She was able to obtain and submit medical notes explaining the missed term work. The medical evidence presented does not suggest that her medical condition prevented her or hindered her from withdrawing from the courses in a timely fashion. The Student simply made the wrong decision to continue with the courses.

The Student alleges that the subsequent lowering of her GPA if she is not permitted to withdraw from the courses is unfair and disproportionate to the “wrong” of failing to withdraw in time. In every case where a student is denied permission to withdraw late without academic penalty, the GPA will be affected. Impact on a student’s GPA is not a reason for granting late withdrawal.

Therefore, the request to withdraw late without academic penalty from CHM189H1 and JBC102HF is denied.

### Leave to file late appeal

The Student filed a timely appeal to the Academic Board decision of February 16, 2006 around May 2006. By this time, she had also requested late withdrawal from PSY328H1 and PSY341H1, two courses she was taking during the winter 2006 term.

She specifically asked that the hearing into her appeal in CHM189H1 and JBC102HF be stayed and dealt with together with her request to withdraw from PSY328H1 and PSY341H1.

Through inadvertence, however, she did not file a notice of appeal of the decision of the Academic Appeals Board dated June 29, 2006 denying her late withdrawal from PSY328H1 and PSY341H1.

UTM took no position on whether leave to appeal late should be granted and acknowledged that it was not alleging any prejudice due to the delay in filing the appeal.

The Student indicated a clear intention to appeal the June 29, 2006 decision and indeed, believed she had filed the notice of appeal. In these circumstances, combined with the lack of any prejudice to UTM, the Committee believes it would be unduly technical to deny her leave to file a late appeal.

### Late withdrawal from PSY328H1 and PSY341H1

The deadline for withdrawing from the above courses was March 17, 2006. The Student had not completed any term work in the courses and this time decided to withdraw from the courses by the deadline. When she attempted to withdraw on-line she realized that she had missed the deadline by 6 hours. The computer system did not permit the late withdrawal. She promptly attended at her physician's office and obtained a medical note explaining that due to an exacerbation of her psychiatric illness, she failed to withdraw from the course in time.

She promptly submitted this medical note with a petition for late withdrawal without academic penalty.

The Committee is of the view that the medical evidence in this appeal directly connects the student's medical state with missing the deadline by a few hours. Therefore, the appeal to withdraw from these two courses without academic penalty should be granted.

Leave to withdraw without academic penalty from PSY328H1 and PSY341H1 is granted.

Leave to withdraw without academic penalty from CHM189H1 and JBC102HF is denied.

Respectfully submitted,

Kaye Joachim  
Chair

**THE UNIVERSITY OF TORONTO  
THE GOVERNING COUNCIL**

Report #318 of the Academic Appeals Committee  
**April 20, 2007**

Your Committee reports that it held a hearing on Monday, April 16, 2007, at which the following members were present:

Professor Ralph Scane, Senior Chair  
Ms Coralie D'Souza  
Professor Louise Lemieux-Charles  
Ms Maureen Somerville  
Professor Lorne Sossin

Secretary: Ms Cristina Oke

**Appearances:**

the Student Appellant

For the University of Toronto at Mississauga (UTM):  
Professor Gordon Anderson

This is an appeal from the decision, dated September 28, 2006, of the Academic Appeals Board of UTM. This decision dismissed an appeal from a decision, dated May 30, 2006, of the Committee on Standing of UTM which denied a petition to permit late withdrawal without academic penalty from the course MAT102HS, which the Student took in the Winter Term of 2006, and in which the Student received a grade of F.

The Student gave evidence that, from about January 28, 2006, he had moved from his usual lodging in Mississauga to the home of his sister, in Scarborough, to assist his sister after the birth of a child, when the sister's husband was required to be absent from the home for a considerable time. The sister also had a three year old child. The Student and his sister were the only family members living in the Toronto area. The sister's husband gave no indication of the expected length of his absence or the reason for it. The duties unexpectedly imposed upon the Student of being the care-giver for his sister and her young family, compounded by the long commute from Scarborough to Mississauga, took a severe toll upon the time and energy required for his studies. The situation lasted for about one month, the Student being unable to return to his home in Mississauga until the beginning of March. In addition, a cousin, with whom he had been personally very close in his home country, before coming to Canada, died at a young age at the end of January, 2006, and he was extremely disturbed by this.

The Student acknowledges being aware of the “drop date” in early February for this and other courses, and in fact considered whether to drop this or other courses to obtain relief. He discussed his situation with his teaching assistant in MAT102H5S, and says that the teaching assistant told him that he believed that the Student had sufficient ability in mathematics to pass this course. He does not allege that the teaching assistant went beyond this in his advice. In fact, the Student did not withdraw at this time. Near the end of the course, the Student again contemplated withdrawal. He was generally aware of what we are told, not only by the Student, but by the representative of UTM, is rather inaccurately called by students a one-time only “freebie” late withdrawal without penalty from a course or group of courses, as long as it is applied for before a student writes the final examination or examinations in the course or courses concerned. The representative of UTM confirmed that it is the custom at UTM for the Registrar to grant a petition for such late withdrawal, once only, if any reasonable ground is given. The Student stated that he believed that this unusual relief was granted only on medical grounds, which he did not have, so he did not apply. He did write all of his examinations.

In its response to this appeal, UTM pointed out that the Student had done comparatively well in the four other courses which he had taken in that term, which might be expected to have been equally adversely affected by the circumstances in February, 2006. The Student replied that two of these courses were courses in Islamic and Hindu religious traditions, with which he had considerable familiarity from his life in his homeland, and one was a course in statistics, with which he had some prior background. With respect to the fourth course, in economics, he simply expressed surprise that he had done as well as he did.

Your Committee is divided on this appeal. All members are aware of the University’s strict position on the observance of “drop dates”, and have no wish to retreat from this position. However, the majority believe that the circumstances faced by the Student at the end of January, shortly before what your Committee was advised was the “drop date”, about the end of the first week in February, lasted longer than could reasonably be expected as of the “drop date”. The majority also believes that, for cultural reasons, the Student gave more weight to the view of the teaching assistant than it was intended to have. (Your Committee wishes to make clear that it does not criticize the teaching assistant for giving his views of the Student’s capability in the subject when asked for advice). Finally, the majority notes that the grade of F in the subject must be evaluated against the class average of D+. The majority therefore concludes that this is a case which justifies allowing late withdrawal without academic penalty. The minority believes that the circumstances which the Student was facing at the “drop date” required the Student to elect whether to lighten his load, particularly with respect to courses which he was admittedly finding difficult even apart from his particular personal difficulties, or take his chances on being unable to overcome his difficulties. The minority therefore saw no grounds, under the University’s established policy on late withdrawal, for granting relief.

The appeal is allowed. The grade of F in the course MAT102HS taken in the Winter Term of 2006 is vacated, and the Student is allowed retroactively to withdraw from this course without academic penalty.



# **UNIVERSITY OF TORONTO GOVERNING COUNCIL**

Report #319 of the Academic Appeals Committee  
**June 13, 2007**

Your Committee reports that it held a hearing on May 22, 2007, at which the following were present:

Assistant Dean Bonnie Goldberg, Chair  
Professor Brian Corman  
Ms Saswati Deb  
Professor Glen Jones  
Professor Arthur Ripstein

Ms Cristina Oke, Assistant Secretary of the Governing Council

In Attendance:

the Student Appellant

For the University of Toronto Scarborough:  
Associate Dean Nick Cheng

## **The Appeal**

The Student is appealing the decision of the University of Toronto Scarborough ("UTSC") Subcommittee on Academic Appeals, dated October 31, 2006, denying him an opportunity to rewrite his final examination in BGYA01H3 ("the course"), which he took during the Summer 2006 session. The Subcommittee also denied the Student's request that in the alternative, he receive a grade of "aegrotat" or "no credit" in the course.

## **Facts**

The Student enrolled at UTSC in Fall 1996 as a degree student in the Specialist Program in Environmental Biology. In that time, he has received 4.5 credits. As a result of his failure in the course with a grade of 48, the Student was suspended for 36 months starting September 2006. The Student had been previously suspended for 12 months and was required to maintain a GPA of at least 1.6 to remain in the program. He took only one course, and did not meet this requirement. The Student is eligible to return in September 2009.

The Student works full-time at an Internet Café and as a Network Consultant in Mississauga and commutes to UTSC. The Student has claimed that there has not been a "fair judging" of the students in the course. The Student missed labs and quizzes because he was late, and because at one point, he was de-registered from the course for non-payment of tuition. Once he failed the course, he contacted his instructor and other members of the academic administration at UTSC

and was advised to petition. In his petition, he makes references to “magic” resources used by other students and that other students were allowed to write quizzes when they were late.

### **Previous Decisions**

On September 21, 2006, the Student petitioned to rewrite his final exam in the course, or, in the alternative to receive credit but no grade in the course. The petition was denied due to insufficient grounds. The Committee found that rewrites are only granted when the student can demonstrate that his performance on the exam was adversely affected. The Student made no such claim. Further, a marks breakdown from his instructor indicated that his final examination grade was consistent with his mid-term test result. The Committee also denied the request for credit but no grade, since the rest of the class received numeric grades.

On October 19<sup>th</sup>, the Student appealed and attended at a hearing of the UTSC Subcommittee on Academic Appeals. The Subcommittee denied his appeal. On the issue of the lab work that the Student missed because he was late or had been temporarily withdrawn from the course due to non-payment of fees, the Subcommittee noted that the Student has been given accommodations for the missed lab marks in his final term mark. Further accommodation in the lab work was not warranted and even “perfect” scores would not have prevented the suspension. The Subcommittee also noted that:

... You provided no documentation or explanation for circumstances which might justify granting an appeal to rewrite to the final exam ... You provided no cogent reason why you should be granted a Credit or Aegrotat standing in the course, assuming the Committee had the authority to overturn well-established university policies.

The Subcommittee provided detailed and constructive suggestions for ways in which the Student could improve his language abilities, cut down on his commute, prepare for his return to UTSC, and rethink his career path in the sciences.

### **Decision**

The Student again appeals to this Committee for an opportunity to rewrite his final exam or to receive a grade of aegrotat in the course. At the hearing, the Student was asked if there are additional circumstances of which the Committee should be aware. The Student stated that he was ill during the summer, but did not provide medical evidence to the various committees at UTSC and told this Committee that he was unable to obtain medical documentation.

While the Committee is sympathetic to the Student’s situation given his commute and full-time work hours, the Student has been enrolled in the University for 11 years and has had other opportunities to assess his situation and prioritize his learning. He was on probation and knew he needed a 1.6 GPA; it would have been prudent to drop the course without penalty when it became clear early on that this would prove difficult.

UTSC applied its policies fairly in this case. First, UTSC policy states that rewrites are not granted until there is a 10% drop, relative to the class average, from term to final exam mark. The Student’s term marks were about 11% below class average and his final examination mark

was 16% below the class average. Second, UTSC policy states that a grade of “aegrotat” may be assigned:

on the basis of work completed where medical or similar evidence demonstrates that a student is unable to complete course requirements within a reasonable time, and where a student has already completed at least 60% of the work of the course with a grade of C minus or better.

In this case, the Student had no significant incomplete work and all his grades were below C minus. Nor was there any medical evidence that indicated that the Student was unable to complete his work.

With respect to the Student’s concerns about the class, nothing has been substantiated. With respect to his lab work, the missed quizzes were accounted for in his final term mark.

Ultimately, the Student is requesting special treatment without providing any compelling grounds. He told the Committee that in the last year he has only made limited efforts to improve his situation so that he can return to UTSC. Unfortunately, when the Student returns he will remain on academic probation and must achieve a sessional GPA of 1.6 or better to prevent *permanent withdrawal* from the University of Toronto. The Student has considerable work ahead of him to meet this threshold. The Subcommittee’s suggestions are very reasonable and we encourage the Student to take the steps outlined in their decision to prepare for a successful return to UTSC in 2009.

Accordingly, there is no basis to allow the appeal and it is dismissed.

# **UNIVERSITY OF TORONTO GOVERNING COUNCIL**

Report #320 of the Academic Appeals Committee  
**June 22, 2007**

Your Committee reports that it held a hearing on April 27, 2007 at which the following were present:

Assistant Dean Kaye Joachim, Chair  
Professor Jan Angus  
Mr. Kristofer Coward  
Professor Ellen Hodnett  
Professor John Wedge

Ms. Nancy Smart, Judicial Affairs Officer

## **In Attendance:**

The Student did not attend

For the University of Toronto Mississauga:  
Gordon Anderson, Chair, Academic Appeals Board, UTM

## **The Appeal**

This is an appeal for late withdrawal without academic penalty from PSY102H5F and PSY340H5F.

## **Non-Attendance by Student**

The Student did not attend the hearing scheduled for 9.30 a.m. on April 27<sup>th</sup>, 2007. The committee waited until 10:10 a.m. and then proceeded to hear from UTM in her absence. The Committee then adjourned and asked the Secretary to contact the Student to seek the reasons for the non-attendance.

The Judicial Affairs Officer emailed the Student at her University email address on May 4, 2007; by May 30, 2007 she had not received a response. The Committee finds that the Student, having been given proper notice to attend the appeal, failed to do so without a reasonable excuse.

The Committee has made its decision based on the written material filed by the Student and the material presented by UTM.

## **The Decision**

The Student has been registered in Faculty of Arts & Science at University of Toronto, Mississauga campus from fall 2002 to the present.

In the fall 2003 term the Student was granted late withdrawal in PSY220H5 without academic penalty and advised that she would be held to faculty deadlines in the future. In summer 2004 the Student was granted late withdrawal without academic penalty in STA220H5 and in the fall of 2004 was granted special permission to write a deferred exam in PHL274H5 and PSY344H5.

In fall of 2005 the Student was taking three courses: PSY201H5F and PSY340H5F and PSY310H5. The student successfully completed PSY310H5 in the normal manner and obtained a C+.

On December 14, 2005, the Student sought late withdrawal from PSY201H5F and PSY340H5F due to illness during the term. This was denied and the Student scored failing grades of 30 and 26 in those courses.

At the initial petition hearing, the Student presented a medical note dated December 14, 2005 which stated that the Student had been ill throughout the term. The petition for late withdrawal without academic penalty was denied on the basis that the Student should have withdrawn from the course before the deadline in light of the illness.

At the Academic Appeals Board the Student submitted a second medical note dated May 2006 which stated that the Student had been seen on December 13 and 14, 2005 and reported being ill from September 2005, but improved until mid-November and then deteriorated again in late November 2005. The Student submitted in her notice of appeal that the decision not to withdraw in a timely fashion was due to the improvement in her condition and the sudden deterioration of her condition in late November.

The Committee is not satisfied that the medical evidence supports the Student's appeal. The evidence indicates that the Student first sought medical attention on December 13<sup>th</sup>, 2005 for a condition that she asserted had been present since September 2005. The assertion of improvement and then deterioration first surfaces in response to UTM's decision that the Student should have withdrawn from the course due to the illness, and is not credible. The Student was able to attend the exam in another course, PSY310H5, during the same period and obtained a C+

The appeal is denied.

Respectfully submitted,

Kaye Joachim  
Chair