

**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