

**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