

**CONFIDENTIAL**

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 58 OF THE ACADEMIC APPEALS BOARD

June 13th, 1980

To the Academic Affairs Committee,  
University of Toronto.

Your Board reports that it held a meeting on Friday, June 13th, 1980, at 2:30 p.m. in the Council Chamber, Faculty of Pharmacy, at which the following were present:

Professor R.J. Sharpe (In the Chair)  
Ms. Beverley A. Batten  
Professor Merrijoy Kalner  
Professor J.T. Mayhall

Professor Victor G. Smith  
Mr. Mark K. Wax  
Miss M. Salter, Secretary

In Attendance:

Mr. Kc  
and counsel Mr. George Ruggiero,  
Toronto Community Legal Assistance  
Services

Professor J.D. King  
Scarborough College

THE MEETING WAS HELD IN CLOSED SESSION

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

1. Mr. Kc

At its meeting on June 13th, 1980, the Academic Appeals Board heard an appeal by Mr. Kc from a decision of the Scarborough College Sub-Committee on Academic Appeals, denying the appellant permission to withdraw without academic penalty from course PSY B20F on the basis of the finding of the Scarborough College Sub-Committee on Standing.

Mr. Kc had attempted to withdraw from the course in question on November 6th, 1979 whereas the last date for withdrawal was November 2nd, 1979. As a matter of practice, the administration of the College permits a one day grace period, and as November 2nd fell on a Friday, the effective final date for withdrawal from the course was Monday, November 5th.

The appellant's decision to withdraw from the course in question was prompted by the poor mark in the first term test in the course. The results of that test were posted late in the afternoon, Friday, November 2nd. The appellant stated that he was ill with the flu from November 2nd to November 5th, and as a result, did not learn of his test result until November 6th whereupon he attempted to withdraw from the course and was refused.

The appellant contended that the rigid application of the withdrawal deadline to his particular situation was unduly harsh and offered four arguments in support of this contention.

The first argument was that the cut-off date was essentially arbitrary and that there was no substantial difference between November 2nd, 5th and 6th insofar as it related to the merits of the student's position. In the Board's view, it would be dangerous to give weight to such a submission, and that absent truly compelling circumstances in individual cases, the College was entitled to insist that the date it had set be respected. The withdrawal date already falls generously late in the course, well beyond the mid-point, and there are obvious and legitimate reasons for the College having a firm cut-off date. The fact that a one day grace period is extended should not require the College to further extend that date unless a student is able to present a compelling case to justify departure from established practice.

REPORT NUMBER 58 OF THE ACADEMIC APPEALS BOARD - June 13th, 19801. Mr. K. (Cont'd)

The appellant's second argument was that such circumstances were present. This contention was based upon his statement that he was ill in bed with the flu from November 2nd to November 5th and therefore unable to attend at the College to withdraw from a course. The Board did not consider that in light of all the circumstances, the evidence of illness was such as to require reversal of the Sub-Committee and Committee decisions. The appellant made no mention of illness in his initial petition, dated November 6th, where he stated that he was not at the College at the relevant time because he had no classes. The question of illness was raised in subsequent petitions and supported by a letter from the appellant's parents as well as a note from his doctor indicating that the appellant had since informed the doctor of his illness. Neither document complies with the requirements for medical certificates as set out in the calendar. Moreover, although illness may have prevented him from attending at the College to obtain his test results either on Friday, November 2nd or Monday, November 5th, other arrangements could have been made by the appellant to determine his grade, and had an effort been made to clearly indicate to the College both the fact of his illness and his firm intention to withdraw within the appropriate period, the result might have been different.

The third argument was that as the appellant was on probation as a result of his standing obtained in the previous year, the effect of a zero in this course was too drastic in that when averaged with other grades he expected to obtain, it would have the effect of suspending him for one year. While sympathetic to the situation of the appellant, the Board considered that the true cause of any suspension was far more complex than simply the mark obtained in this one course.

The Board also noted the commendable promptness with which the Sub-Committee on Standing and the Sub-Committee on Academic Appeals had dealt with Mr. K's petition. The first decision, clearly refusing him leave to withdraw late was made on November 12th, only six days after he had attempted to withdraw, and this decision was confirmed on November 19th by the Committee. In these circumstances, it was surely open to the appellant to continue with the course. Although he had not achieved a satisfactory result in the first test which prompted his effort to withdraw, that test was worth only 30% of the final grade.

The final argument related to the wording of the reasons given by the Sub-Committee on Standing where it was stated that:

"The opportunity to withdraw without penalty is intended for students who discover that they do not enjoy studying a given subject matter or that they cannot handle the subject matter. It is not intended as an escape device for students who are doing poor work in a course."

The Board shared the appellant's difficulty in distinguishing between "doing poor work" and not "being able to handle the subject matter". However, in the Board's view, nothing particularly turns on this subtle distinction.

A student cannot be denied the opportunity to make a decision to withdraw from a course on the basis of test results available before the deadline if the student acts promptly within the time stipulated. However, it is another matter to argue that the deadline, which does fall relatively late in the course, should be extended. The appellant's intention to withdraw was late blossoming, and taking all the circumstances into account, the Board did not consider that a case had been made for reversing the decision of the College Committee.

Appeal dismissed.

Secretary  
June 30th, 1980

Chairman