

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 119 OF THE ACADEMIC APPEALS COMMITTEE

August 26th, 1988

To the Academic Board,  
University of Toronto.

Your Committee reports that it held a hearing on Friday, August 26th, 1988 at 1:30 p.m., in the Board Room, Simcoe Hall, at which the following were present:

Professor J. B. Dunlop (In the Chair)  
Mr. M. Bilaniuk  
Professor F. Flahiff  
Dr. D. I. Murdy  
Professor V. Smith

Dr. John G. Dimond, Secretary of the Governing Council

In Attendance:

Mr. *G*, appellant  
Ms Shawna Tucker, Downtown Legal Services, counsel for the appellant  
Professor E. Erwin, Scarborough College

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

At a meeting on August 26th, 1988 the Academic Appeals Committee heard the appeal of *Mr. G* from a decision of the Subcommittee on Academic Appeals of Scarborough College dismissing his request for late withdrawal from PSYB60F. He had failed the course in 1985-86. The decision of the Committee is the appeal should be dismissed.

The appellant's appeal was based on the disabling effect of his medical condition and his family situation upon his ability to perform in the course. Evidence indicated that through most of the academic year 1985-86 - until February or March - he had been hampered by "an acute form of mental and emotional exhaustion" for which he received medication on a continuing basis.

Leaving the family situation aside, the medical condition alone would have been sufficient to prevent him from performing adequately. The family circumstances, involving parental divorce, no doubt aggravated his difficulty. But his circumstances and condition were matters of which the appellant was aware from the beginning of the academic year. They constituted a prime example of a problem that should lead a student to drop a course without academic penalty by the "drop date" that is established by the College. This date gives sufficient time for the student to assess, among other things, his or her likelihood of success.

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The appellant's failure to avail himself of this "escape mechanism" was due not to circumstances which only became apparent after it was too late, but to his determination to pass this necessary course despite the indications of difficulty, and his hope that the medication would eventually help. This was an error of judgment inasmuch as he experienced difficulty keeping up with the work from the very outset. But if the drop date rule can be ignored every time a student misjudges his or her likelihood of success, it would not be a rule at all. It is not for this Committee to nullify the effect of a rule, nor to allow a student, in effect, to rewrite his or her academic history as represented by the transcript of marks. The College has exercised its judgment as to the point at which the student should decide and the Committee is not free to ignore this judgment except where circumstances would render application of the rule unfair. This is not such a case.

The appeal is dismissed.

Secretary  
October 11th, 1988

Chairman