

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 169 OF THE ACADEMIC APPEALS COMMITTEE

January 21st, 1994

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Friday, January 21st, 1994 at 2:30 p.m. in the Falconer Room, Simcoe Hall, 27 King's College Circle at which the following were present:

Professor W. Weinrib (Vice-Chairman)
Professor B. Brown
Ms P. Cross
Professor J. T. Mayhall
Professor D. Galbraith

In Attendance:

Mr. L.N., appellant
Mr. A. Kontos, Downtown Legal Services, counsel for the appellant
Professor M. Donnelly, Associate Dean, for the Faculty of Arts and Science

This is an appeal to the Academic Appeals Committee of the Governing Council by Mr. L.N., a student in the Faculty of Arts and Science against the Faculty's decision not to give him further consideration for the final examination in MGT 322(F) in December 1992.

Mr. L.N. received a grade of 46% in the course in question. The reason for the failing grade was that he received a mark of 29% in the final examination in the course. The final examination counts for half of the total grade. The other half of the grade consisted of a test in which he received 14 out of 25, and an assignment in which he received 17.5 out of 25. Mr. L.N. petitioned the Faculty's Committee on Standing for special consideration due to the fact that his grandmother had died in the previous summer and that he had been ill during the period of the examination. The Committee on Standing turned down his petition and he appealed to the Academic Appeals Board of the Faculty. The Board dismissed the appeal.

In his appeal to the Committee, Mr. L.N. said that he was suffering from psychological after effects of his grandmother's death throughout the term and from an illness which significantly impaired his performance on the examination.

He asked the Committee to grant him a passing grade in the course together with a waiver of the 60% prerequisite requirement in this course so that he could take the subsequent course in the field. In the alternative, he asked to be granted a late withdrawal without academic penalty from the course.

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The Committee is not persuaded that the psychological after effects of his grandmother's death in the summer substantially affected his ability to take his examination. In the other two courses he completed that term his marks were 71(B-) and 73(B). It is difficult for us to imagine why the student would be affected in one course and not the other courses.

The Committee has also concluded that his performance was not significantly impaired due to his illness. In a note dated almost 11 months after he saw Mr. L.N., a physician indicated that the student had influenza and recommended that he stay home for a few days. The student wrote the exam and told us that although he realized he had not written a great paper, he had done sufficiently well to be shocked when he received the result. However, the totality of the evidence leads us to conclude that his mark was not significantly affected by the influenza.

In his clear and helpful submissions, Mr. L.N.'s counsel emphasized that the student's mark of 46% in the course was completely out of line with his other marks over his first three years in the Faculty. This is presumably why the student is appealing the grade. However, the fact that the grade is an extremely poor one cannot be a ground for relief by this Committee when we have rejected the substantive grounds for the appeal.

Appeal dismissed.

Secretary

Professor W. Weinrib
Chairman

January 26th, 1994