

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

REPORT NUMBER 174 OF THE ACADEMIC APPEALS COMMITTEE

March 28th, 1994

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Monday, March 28th, 1994 at 10:30 a.m. in the Flavelle Room, Faculty of Law, 78 Queen's Park Crescent at which the following were present:

Professor A. Weinrib (Vice-Chairman)
Professor B. Brown
Ms P. Cross
Professor J. Mayhall
Professor E. Mendelsohn

In attendance:

The appellant
Ms D. Lightning, Downtown Legal Services, counsel for the appellant
Mr. D. Perry, Registrar, Scarborough College

This is an appeal by a Scarborough College Student to the Academic Appeals Committee of the Governing Council from a decision at Scarborough College denying her appeal which would have allowed her to withdraw without academic penalty from the 1991 Winter Session Courses ANTD20Y, ANTC51Y and BIOA03Y. The Scarborough College Sub-Committee on Academic Appeals in the same decision allowed the appellant to withdraw from ANTB15Y (a course which she has retaken and passed), and ruled that should she register at some time in the future in MATA26Y and pass the course, she will be withdrawn retroactively from that course which she also took in the 1991 Winter Session. The appellant asks to be accorded the same privileges for the three courses at issue here. That is, she wishes the opportunity to have the grades in the three courses (2 Es and a D-) removed from her transcript if she succeeds in passing these courses subsequently.

That this is a difficult and unique case is seen in the fact that the Scarborough College Sub-Committee on Standing denied her original petition to allow her, in effect, to withdraw from all five courses she took that year, and a subsequent partially successful appeal to the Scarborough College Sub-Committee on Academic Appeals. We were told that the remedy fashioned by the Sub-Committee on Academic appeals is unprecedented at the College. Here, two members of this Committee would have denied her appeal. The other three members allow the appeal and rule that if the appellant subsequently succeeds in passing each of the three courses mentioned, she will be withdrawn retroactively from the courses in the 1991 Winter Session.

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In deciding to extend the decision of the Scarborough College Sub-Committee on Academic Appeals to the three courses, this Committee has kept in mind the very unusual circumstances surrounding the appellant's problems. The appellant chose not to withdraw by the deadline for withdrawal date. That date was February 14, 1992. She had ample reason to withdraw. In early December, 1991 her grandfather suffered a debilitating stroke. She was raised by her grandparents and in the circumstances she acted as if they were her parents and she took on the practical burdens of attending to her grandfather in the hospital, making arrangements for his long-term care, and providing support for her grandmother. Shortly thereafter, she was informed that her funding application for OSAP had been denied and she had to enter into the appeal process. A few weeks later, she lost her part-time job multiplying her financial problems. Her marks up until that point were weak. However, she did not withdraw because she thought she could pull up her marks and prepare adequately for the final examinations. Unfortunately, her partner lost his job in March 1992. This obviously made her financial situation even more precarious. Her grandfather also had another stroke that month.

The appellant wrote the examinations in the three courses at issue here, but an illness led her to request deferring the taking of the other two examinations. She petitioned and was given permission to sit special examinations in those two subjects in August 1992. The one issue which concerned all of the members of this Committee involved the timing of the appeal. The petition to the Sub-Committee on Standing was made 16 months after the courses ended. The Sub-Committee did not accept as reasonable the appellant's explanation that she waited so long to prove by her 1992 Winter Session results that she was capable of better work. All of us agree with the Sub-Committee. That is, we look at appeals from the vantage point of the events which lead to the appeals. Waiting for intervening events before appeals are made by students does not strengthen those appeals. However, because of the very unusual circumstances of this particular case and the most extraordinary stress under which this appellant wrote the three examinations in April 1992, a majority of this Committee has decided to allow her appeal as outlined above.

Appeal allowed.

Secretary

Professor A. Weinrib
Vice-Chairman

April 13th, 1994