

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 200 OF THE ACADEMIC APPEALS COMMITTEE

September 26th, 1995

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Tuesday, September 26th, 1995 at 2:00 p.m., in the Board Room, Simcoe Hall, 27 King's College Circle, at which the following were present:

Professor Alan Mewett, Acting Chairman
Professor Joan Brailey
Mr. Earl Dumitru
Professor John Mayhall
Professor Ruth Pike

Ms Margaret McKone, Acting Secretary

In attendance:

Mr. M.Z., the appellant
Professor Susan Horton, Associate Dean, Faculty of Arts and Science
Ms Elaine Ishibashi, Registrar, Faculty of Arts and Science

This student appealed from a decision refusing him permission for late withdrawal from EAS 217F taken in the First Term of 1992-93. The facts are not entirely clear, but what is agreed upon is that the student was registered in this course, wrote papers for October 20th and December 1st, but failed to write the final test on December 8th. The student contacted the Professor on about December 10th and presented satisfactory medical evidence to explain this failure. The Professor agreed, in accordance with Faculty regulations, to administer a make-up test if a mutually agreed time could be arranged at a date before the scheduled release of the marks around the latter part of January, 1993. It proved impossible to arrange a time right away, the student being about to leave for India over the Christmas break and it was agreed that the student would contact the Professor again immediately upon his return to Canada in early January.

Apparently, while in India, the student changed his mind about writing a make-up test and decided instead to petition to withdraw from the course without penalty. He thereupon sent a written petition to Woodsworth College to this effect from India, but

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this petition was never received by the College. Upon his return to Toronto, Mr. M.Z. made no effort to ascertain whether the petition had been received nor, if it had been, what the status of that petition was. Instead, he waited until May, 1993 when he received his official marks which indicated a failing mark of 46% in the course. The student then contacted Woodsworth College and was informed that his petition had never been received but that it was not too late to submit another one if he chose to do so. The student did file such a petition in April, but it was at this point that the student again changed his mind and decided that he would write the make-up test, but the time for any informal arrangement of this nature had long since passed and in order to do so, the student would have to petition the Faculty for permission. The student was informed of this and stated that he had already filed a petition but failed to make it clear that the petition he had filed was to withdraw from the course, not to write a make-up test. As a result, there was no petition filed to write the make-up test.

Mr. M.Z. then proceeded with his petition to withdraw. At a decision dated August 23rd, 1993, the student was informed that the petition had been denied. As grounds for his petition the student had stated "Illness", but in its reasons for refusing the petition, the Faculty Committee on Standing cited the delay in submitting the petition and the student's failure to take steps earlier to clarify his position. That, however, seems neither here nor there, since there was apparently a review of this decision, the subject-matter of this appeal, in which the reasons for the petition are stated to be "Documents Transmission". Again this petition was denied on March 10th, 1994, the Committee stating "You have not convinced the Committee of the validity of the lateness of your request in May 1993 to write a make-up test which should have been resolved in January".

It is clear that the student has been somewhat less than completely frank with the authorities throughout this episode but at the same time it is not entirely clear upon what basis the Faculty Committee proceeded. However, it would appear that the reason for the Committee's decision was that students are expected to act with reasonable diligence in pursuing any remedies they may have and that Mr. M.Z. failed so to act. It would appear that Mr. M.Z. was, in fact, trying to keep all his options open for as long as possible. Indeed, it does not seem that it is clear even to him whether he was petitioning for a make-up test or for permission to withdraw until the latter stages of the process when he came down on the side of petitioning to withdraw. He has not satisfactorily explained his failure to follow up on the original petition he mailed from India nor the reasons for his delay in contacting the Professor in charge of the course to make arrangements for a make-up test at a time when that could have been informally arranged nor his subsequent dilatoriness in pursuing the option of petitioning to be allowed to write such a make-up test.

This Committee can find no grounds for allowing this appeal from the decision of the Faculty and the appeal is therefore dismissed.

Ms Margaret McKone
Secretary

Professor Alan Mewett
Acting Chairman

October 2nd, 1995