

**UNIVERSITY OF TORONTO**  
**THE GOVERNING COUNCIL**  
**REPORT NUMBER 224 OF THE ACADEMIC APPEALS COMMITTEE**

**December 4, 1997**

Your Committee reports that it held a hearing on Thursday, December 4, 1997, at which the following were present:

Professor Emeritus Alan Mewett, Acting Chairman  
Mrs. Margo Coleman  
Professor Frank DiCosmo  
Professor Peggy Leatt  
Mr. Bob Spencer

Ms Rosanne Lopers-Sweetman, Secretary, Academic Appeals Committee

In Attendance:

Mr. H.C., the Appellant  
Mr. Paul McCulloch, for the Appellant  
Professor Ian McDonald, Associate Dean, Scarborough College

The student was enrolled in VPAA99S, Music of the World's People, in the summer session of 1996 the grades for which comprised:

Listening Test	July 15	10% of the final mark
Written Assignment #1	July 22	15% of the final mark
Mid-term Examination	July 29	25% of the final mark
Written Assignment #2	August 7	15% of the final mark
Final Examination	August 14	35% of the final mark

The student received in each of these, 8.3, 12, 13, 10.8 and 17.15 marks respectively, for a total of 61.25 as his final grade.

During the months of July and August, the student had been under considerable stress because of two factors. His mother, who is chronically ill with a thyroid deficiency and suffered from mental illness, became seriously ill so that the student had to spend much time caring for her. The father, who works a night shift, was unable to care for her at nighttime and she was reluctant to enter hospital. The result was that much of the burden of caring for her fell on the student and he found it extremely difficult to concentrate on his studies. Eventually she was hospitalized in September.

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The second factor adding to his stress was that his girlfriend, who resided in Chile, had been denied an entry visa to Canada on July 17. The student had intended to propose marriage to her and to arrange for her immigration into this country. The student was devastated by this news and spent much time appealing the decision of the immigration officer and exploring other solutions. He eventually decided to go to Chile immediately after his final examination and marry there, which he did on September 26, 1996.

Furthermore, shortly before the final examination, the student experienced stomach disorders, for which he received medical attention, and problems with his teeth for which he also received professional attention. He has submitted certificates in support of this.

The student spoke with the instructor after handing in his second written assignment (that of August 7) and raised the possibility of dropping the course. The latest date to drop a course without academic penalty was July 26 (as is clearly stated in the Calendar) and the instructor so advised the student. What else he was advised is not entirely clear but apparently the student's understanding was that he was advised to continue with the course and to appeal if things did not go well. Again, it is not clear what it was he was to appeal -- either the mark in the final examination or a petition to be allowed to drop the course without academic penalty on the ground of exceptional circumstances.

In any event, the student continued with the course and received, as noted, a mark of 49/100, or 17.15 of the final mark for the course. His final overall mark for the course was 61.25 or C-.

Since the student had arranged to leave the country and go to Chile on the day of the final examination, the instructor permitted him to write the final examination a day early, on August 13. The instructor immediately marked the paper and advised him of the final mark. The student left the country to be with his fiancée and did not return to Canada until October 1st, when he was occupied with his living arrangements, job search and catching up on his new courses of study.

On November 15, 1996, the student petitioned the Sub-Committee on Standing of Scarborough College for permission to withdraw from the course without academic penalty on the ground of special circumstances caused by his "personal, psychological and medical" problems. The Sub-Committee was of the opinion that the medical certificates provided by the student were insufficient to support his claims, but in any case, held that it was its policy to grant such withdrawal only under exceptional circumstances. It ruled: "If medical or other extenuating circumstances occur only after the last day to withdraw, it expects the student to petition for late withdrawal at the earliest possible time but in any case before the course is completed and a grade assigned". It refused the petition.

The student appealed this decision to the Sub-committee on Academic Appeals. It held that the medical documentation "did establish grounds for special consideration with respect to the final examination in the course" and therefore gave the student permission to rewrite that final examination. It did, however, agree with the decision of the Sub-committee on Standing that the petition for late withdrawal without academic penalty should be refused on the ground that such relief is inappropriate in a case where the course has been completed and the student has received a final mark for the course.

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The student did not take up the chance to write the examination a second time.

He now appeals to this Committee.

The appeal is dismissed.

It is the opinion of this Committee that the decision reached by the Sub-Committee on Academic Appeals was the correct one. This Committee would not go so far as to say that such a petition should never be granted where the course has been completed and the student has been advised of the mark, but this should be only in the clearest of cases involving exceptional circumstances and where the student has acted with all the diligence that the circumstances allow. This may arise where the student is incapacitated or hospitalized but, in general, to permit a student to decide, after the final marks are received, whether or not to petition to be allowed to withdraw would clearly put him in an unfairly advantageous position of being able, with the benefit of hindsight, to decide which course to adopt.

Giving the student the benefit of the doubt, however, this Committee is of the opinion that he may, albeit mistakenly, have felt that his petition should have been granted and for this reason failed to avail himself of the opportunity to rewrite the final examination which the Sub-Committee on Academic Appeals had given him. For this reason, it is our decision that he should be given the opportunity to reconsider that decision and this Committee therefore rules that the student should be permitted to rewrite the final examination in VPAA99S at a time and place mutually acceptable to the student and Scarborough College.

Rosanne Lopers-Sweetman  
Secretary

Alan Mewett  
Acting Chairman

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