

**UNIVERSITY OF TORONTO**

**THE GOVERNING COUNCIL**

**REPORT NUMBER 233 OF THE ACADEMIC APPEALS COMMITTEE**

**October 29, 1998**

To the Academic Board,  
University of Toronto.

Your Committee reports that it held a hearing on Thursday, October 29, 1998, at which the following were present:

Ms Bonnie Croll, Acting Chair  
Professor Jack Carr  
Professor Olga Pugliese  
Professor Emmet Robbins  
Ms Priya Suagh

Ms Susan Girard, Acting Secretary, Academic Appeals Committee

In Attendance:

Ms J.M., the Appellant  
Ms Susan Kushneryk, counsel for the Appellant  
Mr. Kishar Motwana

Professor Ian McDonald, Associate Dean, Scarborough College

This Committee considered an appeal by Ms J.M. (the "Appellant") of the decision of the Sub-committee on Academic Appeals of the University of Toronto at Scarborough (Scarborough) which held a hearing in this matter on October 3, 1997. The Sub-committee on Academic Appeals upheld the decision of the Sub-committee on Standing at Scarborough not to permit the Appellant to withdraw without academic penalty from the 1996 courses CSCA58S and MATA26Y.

As a preliminary matter, this Committee considered the Appellant's request for a closed hearing. This Committee reviewed Section 9.1 of the *Statutory Powers Procedure Act*, and explained to the Appellant that even in an open hearing, the name of the Appellant is not disclosed in the public record of this Committee's decision. The Appellant, having been satisfied that the public record of this proceeding would not identify her, or any of the family members or friends named in her petition, withdrew the request for a closed hearing.

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The Appellant was a first-year student at Scarborough in the 1996-97 academic year. The Appellant received failing grades in the courses CSCA58S and MATA26Y taken during the 1996 Winter term. It is the position of the Appellant that the poor results in these two courses can be traced to a number of traumatic events which occurred just prior to, and during, the Appellant's first year at Scarborough. In particular, the Appellant's mother suffered a severe workplace accident in late August 1996. In addition, on January 6, 1997, the Appellant's former boyfriend, who had remained a close friend, was killed in a freak accident. Later that month, on January 27, 1997, the Appellant's fourteen-year old cousin committed suicide. There is no question that these terrible events, which occurred in relatively quick succession, created great stress and unhappiness for the Appellant. This stress and unhappiness was compounded by the fact that not only was the Appellant dealing with death for the first time in her life, the Appellant was away from the comfort and security of her family home for the first time as well. The Appellant missed roughly three weeks of classes early in the 1997-year, and gave evidence that even when in class, the Appellant had difficulty concentrating. The Appellant did seek assistance from the Health and Wellness Centre at Scarborough during this period. However, the Appellant did not withdraw from the two courses in question without penalty by the relevant drop dates, specifically February 14, 1997 for MATA26Y and March 7, 1997 for CSCA58S. Nor did the Appellant petition for late withdrawal from these courses after the drop dates, but prior to writing the final examinations as is provided for in the rules of Scarborough.

Notwithstanding the very sad events which clearly affected the Appellant, this Committee is not persuaded that it should disturb the findings of the Sub-committee on Standing, which was upheld by the Sub-committee on Academic Appeals. The dates by which courses can be dropped without penalty are clearly published in Scarborough's Calendar. In addition, this Committee was informed that the pertinent dates are highlighted for the students, along with other relevant information about grade point averages, probation and suspension in another publication entitled *Getting Started* which is provided to all students. The Appellant quite properly sought counseling from the available resources at Scarborough. This Committee was advised that all counselors at Scarborough are made aware of the significant deadlines, and the consequences for missing them, in order for the counselors, whether they be academic counselors or otherwise, to provide the most informed advice to the students. For all these reasons, there is no suggestion that the Appellant was unaware of the dates by which it would have been necessary to make the changes to her programme without penalty.

This Committee also shares the concerns expressed by the Sub-committee on Standing and the Sub-committee on Academic Appeals as to the selectivity of the Appellant's request. In fact, there appears to have been some element of selectivity throughout the winter term. All students experiencing academic difficulty in MATA26Y have the option at mid-year of replacing it with two reprise half-courses, one offered during the spring term of the winter session and one offered during the first term of the summer session. Despite receiving a 53% on the October term test in MATA26Y, the Appellant did not avail herself of this option. In addition, the Appellant, notwithstanding her depressed state, was able to write two mid-term examinations during the winter term. She sat the mid-term examination in PHYA21S on February 5, 1997 and the mid-term examination in ASTA03Y on March 4, 1997. In fact, the mid-term examination in ASTA03Y was one for which the Appellant took the initiative to have rescheduled. There is no plausible explanation as to why the appellant was able to

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perform in these and the other courses taken during the 1996 winter session and not in the two courses in question.

This Committee must also express some concerns as to the Appellant's credibility. Although this Committee does not question the very significant impact the personal tragedies had on the Appellant, there are some inconsistencies in the Appellant's position that remain troubling to this Committee. The Appellant's petition to the Sub-committee on Standing at Scarborough states, among other things, that the Appellant missed mid-term examinations in all classes. As stated above, the Appellant wrote mid-term examinations in two classes. One mid-term examination was, as noted above, rescheduled at the request of the Appellant. When asked, the Appellant explained that this discrepancy in the petition was not intended to misrepresent the facts, but rather that the Appellant had been in a rush to submit the petition. This Committee expressed some concern that the Appellant could forget that the Appellant had written mid-term examinations, particularly when one had been rescheduled at her request. This Committee also takes notice of the comments of the Sub-committee on Academic Appeals which, in its decision dated October 6, 1997, stated that the Appellant had misled that Sub-committee in her account of her grade in CSCA06F.

This committee understands that a student should only be permitted to withdraw from a course after all the work, including the final exam, has been completed in exceptional circumstances. To permit otherwise would allow a student who is dissatisfied with his or her academic results to retroactively adjust his or her transcript. The circumstances here are not sufficiently exceptional or compelling to allow the remedy sought by the Appellant. This is not to minimize the effects on the Appellant of the tragedies that befell her during the 1996-97 academic year. However, notwithstanding these unfortunate events, the appellant was able to complete work satisfactorily in some courses, including rescheduling a mid-term examination, and was able to seek counseling at Scarborough. This Committee is not persuaded that the Appellant was sufficiently distraught that she was unable to comply with the published regulations regarding withdrawing from courses without penalties. Rather, it appears to this Committee that the Appellant was unsuccessful in MATA26Y and CSCA58S for academic reasons.

The appeal is dismissed.

Susan Girard  
Acting Secretary

Bonnie Croll  
Acting Chairman

October 29, 1998