

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 122 OF THE ACADEMIC APPEALS COMMITTEE

April 28th, 1989

To the Academic Board,  
University of Toronto.

Your Committee reports that it held a hearing on Friday, April 28th, 1989 at 2:00 p.m., in the Board Room, Simcoe Hall, at which the following were present:

Professor J. B. Dunlop (In the Chair)

Mr. M. Bilaniuk

Professor D. Craig

Professor K. G. McNeill

Mrs. J. Uyede

Ms Susan Girard, Governing Council Secretariat

In Attendance:

Mr. *R<sub>g</sub>* the appellant  
Professor R. C. Brown, Vice-Dean, Faculty of Arts and Science

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

At a meeting on April 28th, 1989, the Academic Appeals Committee heard the appeal of *Mr. R<sub>g</sub>* against a decision of the Academic Appeals Board of the Faculty of Arts and Science dismissing his appeal from a decision of the Committee on Standing which denied his petition for late withdrawal without academic penalty from three courses: MATH 235Y, BIO 110Y and PHY 256F. He had taken the mathematics course in the summer session of 1984, the biology course in the winter session of 1984-85 and the physics course in the winter session of 1986-87. In each case he had failed the course and as a result of his performance in courses taken over the period from 1983-88 was suspended. The grounds of appeal were medical and personal. The medical condition lasted through the period 1983-86. Then in 1986 the appellant began having trouble with his brother. Only since 1987 has he been problem-free.

If the appellant were to be allowed to withdraw from the three courses, his cumulative Grade Point Average would improve to a level at which suspension would not be warranted. While his suspension will be over by September 1989 in any event, the fact of having been suspended once will mean that his failure to maintain an appropriate GPA in future will have more serious consequences. A student returning from suspension remains on probation until he or she achieves a cumulative GPA of 1.5 and will be suspended a second time if at the end of any session he or she has a cumulative GPA of less than 1.5 and a sessional GPA of less than 1.7. A second suspension lasts three years and the next stage is refusal of further registration. Thus an important advantage would follow a successful outcome on this appeal. However, the Committee sees no basis for allowing the appeal and it is dismissed.

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The foregoing chronology raises an obvious question: why is an appeal relating to courses taken two, four and almost five years ago only now reaching this Committee? The appellant's first step towards this appeal came "as early as June, 1988" he said, when he went to see the Ombudsman. His explanation for the delay was that he wanted to show that he could do well in courses in his new major (POL) because in that way he could make a stronger case. With respect, this reasoning seems to the Committee to make little sense. The failures imperiled the appellant's standing - his very right to continue in his program. How he could strengthen his standing more effectively than by having these results set aside is difficult to imagine.

Asked whether it had occurred to him to petition for withdrawal at the time he was taking the courses in question, the appellant replied that it had not. He said he relied on the Department to advise him what to do and, he said further, he did not understand the meaning of "standing." His interpretation of "standing", he told us, led him to believe that one could obtain it in 15 courses without necessarily passing all of them. According to the Grading Scheme applicable in Arts and Science even an "E" grade has a grade point value (.3) startling as that may appear to the uninitiated. So "E"s, if not "F"s could count towards a degree; a student, having taken 15 courses, would meet degree requirements of "standing in 15 courses" providing his or her cumulative GPA in those 15 courses was 1.5. A student with one or two "E" grades, or an "F" grade for that matter could still obtain a cumulative 1.5 by doing well in other courses. The argument is ingenious and the arithmetic is unassailable, but a cumulative GPA of 1.5 is not necessarily the same thing as "standing in 15 courses".

Unfortunately, standing in a course is not explicitly defined in the Arts and Science Calendar. However, it is stated that grades of "E" and "F" are failures. Therefore, while one may fairly say that the calendar statement lacks precision, one has difficulty reconciling the idea of standing in 15 courses with failure in any of them, whether a grade point value be attached to them or not. (The Scarborough calendar, by contrast, says that a failing grade yields "no standing in a course and no degree credit".) In any case, an appellant who had medical grounds for appealing an "E" or an "F" grade would be, at very best, unwise to let the opportunity pass on the assumption that he or she could still manage to get credit by performing particularly well on other exams or in later years. It would be an interpretation - and a course of conduct - so patently open to question that one would surely wish to discuss it with a faculty advisor before assuming it to be the correct one. We also note the statement in the Calendar that the ultimate responsibility for the observance of regulations lies with the student, and misunderstanding will not be accepted as cause for dispensation.

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The appellant further argued that he did not know the appropriate course of action to take but had relied on the Department to advise him. The appellant had, however, petitioned several times: once in 1984 to have his BIO 110Y and STA 242Y exams deferred, once in 1986 to be allowed late withdrawal from STA 242Y without academic penalty, again in 1986 to be allowed to rewrite PHY 256F. His requests were usually granted. Thus the appellant was aware of the mechanism for obtaining relief from problems such as he had experienced and, in the Committee's view, should have been fully aware of the value of a petition. The rule is that petitions must be timely (for example before the end of the examination period in the case that a student's ability to complete a course is affected by illness or domestic problems). It is a rule that can be moulded to accommodate extenuating circumstances. But to wait several years until one has been suspended before seeking to obtain relief in respect of failed courses would, if permitted, make a mockery of the rule. The Committee has no authority to ignore the requirement of timeliness, even if it felt to disposed to do so.

The appeal is dismissed.

Secretary  
May 31st, 1989

Chairman

