

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

Report #311 of the Academic Appeals Committee

December 6, 2006

Your Committee reports that it held a hearing on Wednesday November 7, 2006, at which the following were present:

Assistant Dean Bonnie Goldberg, Chair
Ms Saswati Deb
Professor William Gough
Professor Louise Lemieux-Charles
Dr. Cindy Woodland

Dr. Anthony Gray, Judicial Affairs Officer

In Attendance:

The student
Mr Philip Viater, for the appellant

Vice Dean Susan Howson, Faculty of Arts & Science
Sari Springer, Counsel for the Respondent

The Appeal

The student is appealing the decision of the Academic Appeals Board of the Faculty of Arts and Science ("the Faculty") dated December 7, 2005, denying the student's request for late withdrawal without academic penalty from two courses: Introduction to Greek History (CLA230) and Introduction to Roman History (CLA231).

Facts

The student enrolled in the Faculty (St. Michael's College) in September 2001 and graduated in November 2005 with an Honours Bachelor of Arts. He took the two courses that are the subject of this appeal in the 2005 Winter term. These were second year courses, which had two term tests (each worth 30%), and a final examination (worth 40%).

The first term test for the Introduction to Roman History course was on January 26, 2005. The student did not write this test due to illness and provided a doctor's note to his instructor. The first term test for the Introduction to Greek History course was on February 10, 2005. The student did not write this term test and provided a doctor's note to his instructor. Both notes were not retained, but there is no dispute that the student provided medical documentation that was accepted.

Both professors told the student, and the student agreed, that the second term tests would be re-weighted to 60% each. This was well before March 6, 2005 add-drop deadline.

The second term test for Introduction to Roman History was on March 16, 2005. The second term test for Introduction to Greek History was scheduled for March 17, 2005. The student did not write either second term test, and provided a March 16th doctor's note attesting to "sore throat and chills."

Both professors indicated to the student that the final examinations would be re-weighted and would count for 100%. The student agreed. On March 16, one professor wrote:

Your condition, if it is properly documented, will of course be excused. I will not however, set any make-up tests – if I did, I would have to do so for other students. In your case, it seems that you will have to write a 100% final examination. Assuming that you prepare properly there is no reason to think that you cannot succeed on the Final, especially given the fact that you will in affect be tested only on the second half of the course material.

At this time, the student sought advice from the St. Michael's College Registrar who suggested that if the student did not want to write a 100% final examination, he could petition for late withdrawal without academic penalty (since the add-drop date had passed). The student declined to do so and remained in both courses.

The final examination in Introduction to Greek History was scheduled for May 3, 2005. The final examination in Introduction to Roman History was scheduled for May 6, 2005. The student did not write either final examination and received a "zero" in each. The student indicated that he was too sick to write the examinations, but only provided medical documentation for the May 3rd examination. He wrote another final examination in another course on May 5th.

Previous Decisions

On May 4th, the student petitioned the Faculty's Committee on Standing. The student explained that he did not petition for late withdrawal without academic penalty in March because he needed the courses to graduate. However, after studying for two weeks (presumably in late April), he became ill and went to see a doctor on May 3rd. He contended that his reading of the information in the Faculty of Arts and Science Calendar was "that a single piece of work cannot count for all of the final mark." He noted that he was under pressure, and was physically and emotionally strained.

On May 27th, the Committee on Standing released its decision, which it re-released on July 13th with a correction, denying the student's petition. The Committee found that the student presented no compelling reasons for not completing the courses. He was allowed the 100% final examinations in order to obtain credit, despite having missed the term tests. The original course outlines of both courses met the Faculty's requirements; any new weighting was done to accommodate the student's absences for medical reasons.

The student petitioned the Committee on Standing a second time on June 9th. In this petition, the student indicated that “I knew I did not have sufficient material needed to complete the final exams since I missed a lot of classes due to illness. The final exams were also cumulative throughout the whole term.” Again, the student relied on his interpretation of the Faculty’s policy, which according to the student invoked a prohibition against evaluation based on a single piece of work. The student emphasized that he was applying to law school, which both increased his stress and required the completion of his degree by June.

The Committee denied the petition on July 28th. The Committee found that the consideration afforded to the student based on illness resulted in the 100% final examinations, to which the student had consented. The Committee noted that a reluctance to write 100% finals is not grounds for late withdrawal without academic penalty. However, the Committee indicated that since the student had provided medical documentation relating to the May 3rd examination, he would be allowed to write a deferred examination in Introduction to Greek History. He was also offered this option for Introduction to Roman History if he could provide medical documentation to substantiate his claim of illness.

The student rejected this relief and appealed to the Faculty’s Academic Appeals Board. The Academic Appeals Board denied the appeal on December 7, 2005. The Board found that since the student had done no work in the course, he should have been aware of the risks inherent in sitting 100% final examinations. The fact that the student had missed only three weeks of class due to illness meant that the student had attended the majority of lectures and had ample time to prepare. The Board also found it incongruous that the student was able to write an examination on May 5th, but was too ill to write examinations on May 3rd or May 6th. With respect to the application of policy, the Board found that:

Neither instructor transgressed Faculty policy. You may have confused [the courses] which bear the words “introduction to” in their titles with first year (100-level) courses; however, they are indeed second year courses with the associated demands and expectations. ... The Faculty guidelines sanction 100% final examinations, under acceptable conditions, for second, third and fourth year courses, and prohibits 100% final examinations ONLY for first year courses. ...Furthermore, no discrepancy exists between the Arts and Science Calendar and the guidelines for term tests found in the academic handbook for faculty; you and your counsel have misread the statement. Section a) refers to courses in which a term test is the ONLY item of term work to be evaluated in a course. In both [courses], there were two opportunities for evaluation during the term.

Decision

The student cites two different policies and three different provisions as having been transgressed by the Faculty. We find that Faculty’s Academic Appeals Board, and the

Committee on Standing appropriately applied the Faculty's policies to this student's situation, and that the Faculty's policies were neither transgressed nor unfair. In each and every instance of illness and accommodation, the Faculty followed its procedures. Contrary to the submissions of the student, the provisions in question apply to the *setting* of the evaluation of the course. Once a student is in the course, gets ill, and requires accommodation, a different set of considerations come into play.

First, the student referenced the University of Toronto Grading Practices Policy, and in particular the following section:

Classroom Procedures

II.2 To ensure that the method of evaluation in every course reflects appropriate academic standards and fairness to students, divisional regulations governing classroom procedures must be consistent with the practices below.

... c) Student performance in a course shall be assessed on more than one occasion. No one essay, test, examination etc. should have a value of more than 80% of the grade. Criteria for exemption may be determined by the division.

In formulating their own regulations, divisions may add to items (a) to (g) and may adopt fuller or more specific provisions ...

The Faculty invoked its ability to set its own policies by which exemptions to II.2.(c) may be determined. Specifically, the policy regarding "Missed Term Tests" is one such example, and is detailed below. It is worth noting though that the Faculty also created a multitude of safeguards to preserve the fairness to students.

Second, the student refers to the Faculty of Arts and Science policy on "marking schemes" which states that:

Both essays (or equivalent work) and examinations (including term tests) are normally required for standing in courses. In courses where only one form of evaluation is used, a single piece of work cannot count for all of their final mark.

These were not courses where only one form of evaluation was used. There were two term tests and a final examination. They became courses where only one form of evaluation was going to be used, as a result of the Faculty's efforts to accommodate the student's illness during all 4 term tests, his agreement to sit 100% final examinations, and his decision to remain in the course.

Third, the student cites the Faculty of Arts and Science policy regarding "Missed Term Tests." The policy states as follows:

Students who miss a term test will be assigned a mark of zero for that test unless they satisfy the following conditions:

1. Students who miss a term test for reasons entirely beyond their control may, within one week of the missed test, submit to the instructor or department/program a written request for special consideration explaining the reason for missing the test, and attaching the appropriate documentation, such as a medical certificate.
2. ...
3. A student whose explanation is accepted by the department will be entitled to one of the following considerations:
 - a. In courses where there is no other term work as part of the evaluation scheme, a make-up test must be given;
 - b. In other courses, the department/program may either give a make up test or increase the weighting of other graded work by the amount of the missed test. In no case may the weighting of the final exam in a 100-level course be increased beyond 2/3 of the total course mark.
4. ...
5. A student who misses a term test cannot subsequently petition for late withdrawal from the course without academic penalties on the grounds that he or she had no term work returned before the drop date.

The Faculty followed its procedures when the student missed the first term test, as it is required to do, by implementing 3(b) as the student's medical documentation was accepted. This was a course whose pre-set evaluation included different methods of evaluation – two term tests and a final examination, and at least one term test prior to the drop-date. The professor had the discretion – which was exercised – to decline to offer a make-up and to instead re-weight the other graded work. As the Appeals Board noted, the prohibition against 100% finals applied only to 100 level courses and not to these courses.

Once the student missed the second term test, the course does not become a course captured by 3(a) with a required make-up examination. The course remains a course captured by 3(b) and that is how the Faculty treated it, by re-weighting the final examination. To apply this policy, the Faculty looked to the evaluation method of the course when it was set, not after a student seeks accommodation. However, the Committee recommends that the Faculty consider adding additional clarification to this policy to avoid any future misinterpretation.

Further, we wish to address what happened in May. The student petitioned that he was too sick to write his Introduction to Greek History and Introduction to Roman History final examinations, but only provided medical documentation for the May 3rd, and sat an examination on May 5th, the day before he was to write the final examination on May 6th. The student's representative asked us to consider this fact "irrelevant." With respect, we find this fact relevant to our decision as the student simply declined to write the examinations in the manner that he had consented to, almost two months earlier. In mid-March, the Registrar informed the student that he still had another option available to him, which was to petition for late withdrawal without academic penalty. The student declined to do so, and stayed in the course. However, when it was clear to him that was

either too ill or ill-prepared to write the examinations, he sought this remedy. The Committee on Standing granted him instead the option of at least one deferred examination. This was a fair accommodation although we acknowledge that the Committee did not render its decision until late July, and thus the time frame in which the student had to prepare would have been compressed and challenging. Nevertheless, the student was offered, but declined, this accommodation. The student was repeatedly accommodated for illness and his poor decisions. The Committee finds no merit to the argument that the student was treated unfairly, that his rights were violated, or that the Faculty misapplied its policies.

The appeal is dismissed.