

**UNIVERSITY OF TORONTO**  
**THE GOVERNING COUNCIL**

**REPORT NUMBER 209 OF THE ACADEMIC APPEALS COMMITTEE**

**Monday, April 1, 1996**

To the Academic Board,  
University of Toronto.

Your Committee reports that it held a hearing on Monday, April 1, 1996, at 2:30 p.m. in the Flavelle Room, Faculty of Law, 78 Queen's Park Crescent, at which the following were present:

Before:           Professor Edmund Alexander, Acting Chairman  
                  Professor Joan Brailey  
                  Professor John Mayhall  
                  Professor Ruth Pike  
                  Mr. Bob Spencer

In attendance: Ms D.S., the appellant  
                  Ms Marie Gerrard, Scarborough College

Ms D.S. was admitted to Scarborough College of the University of Toronto as a degree student in September, 1991. During the 1994 Winter Session at Scarborough College, Ms D.S. failed to submit papers in two history courses by the April, 1995 deadlines set by the course instructors. On April 28, 1995, Ms D.S. petitioned the Scarborough College Sub-committee on Standing for an extension of time to submit the papers in the two courses. In her petition, she claimed she had been ill for the previous two months and, as a result, had missed some classes and fallen behind in her writing assignments. She submitted a doctor's certificate with her petition which stated only that the doctor had seen her on April 17, 1995.

By letter dated June 22, 1995, the Sub-committee on Standing informed Ms D.S. that her petition had been denied on the basis that the medical certificate was inadequate. The letter went on to say that the Sub-committee on Standing would consider another petition by her if it were supported by the type of medical evidence required by the Scarborough College Calendar. The Calendar requires that a medical certificate verify that the student was examined at the time of the illness, state the degree of disability involved, indicate the degree of debility caused by the illness, and indicate the doctor's professional opinion as to whether the student should receive special consideration for her academic work on medical grounds.

Ms D.S. did not submit another petition to the Sub-committee on Standing. Instead, on September 26, 1995, she appealed the Sub-committee on Standing's denial of her petition to the Scarborough College Sub-committee on Academic Appeals. She did not include any

## Report Number 209 of the Academic Appeals Committee

additional medical evidence with her appeal. On November 27, 1995, the Sub-committee on Academic Appeals dismissed her appeal on the basis that the medical evidence was inadequate. It did not meet the requirements of the Scarborough College Calendar. The Sub-committee on Academic Appeals rejected Ms D.S.'s argument that complying with the requirements of the Calendar would invade her privacy. While the Sub-committee agreed that she had a right to privacy with respect to the cause of her illness, they felt that the Calendar did not require that the cause of an illness be revealed, but only its severity and duration.

On February 16, 1996, Ms D.S. appealed the dismissal of her appeal to the Academic Appeals Committee of Governing Council. With her Notice of Appeal, Ms D.S. included another medical certificate from the doctor who had given the certificate dated April 17, 1995. In this second certificate, dated February 13, 1996, the doctor said: "This is to confirm Ms D.S. was in my office on April 17, 1995, because of abdominal pain due to side effects of a medication." **The decision of the Academic Appeals Committee is that the appeal should be dismissed.** The Sub-committee on Standing and the Sub-committee on Academic Appeals were right in concluding that the original medical certificate was inadequate. It did not satisfy the requirements of the Scarborough College Calendar. Nor do the requirements of the Calendar, for the reasons given by the Sub-committee on Academic Appeals, invade Ms D.S.'s privacy. The second medical certificate does not help her case. While it does indicate why she saw the doctor on April 17, 1995, it does not give the detailed information required by the Calendar.

In our opinion, Ms D.S. was given ample opportunity and encouragement by Scarborough College to provide a proper medical certificate. Because of her precarious status at Scarborough College, we urge her to consult an academic counselor before continuing her studies.

Rosanne Lopers-Sweetman  
Secretary

Edmund R. Alexander  
Acting Chairman

April 1, 1996