

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

REPORT NUMBER 240 OF THE ACADEMIC APPEALS COMMITTEE

September 16, 1999

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Thursday, September 16, 1999, at which the following were present:

Professor Ralph Scane, Acting Chairman
Professor Wayne Hindmarsh
Professor John Mayhall
Mr. Jonathan Papoulidis
Professor Ronald Venter

Ms Patti Seaman, Secretary, Academic Appeals Committee

In Attendance:

For the Appellant:

Mr. S.P., Appellant
Mr. Jeffrey Cowan, Counsel
Ms Kerry Boniface, Counsel

For the Faculty of Medicine:

Dr. Richard Frecker
Dr. Ian Taylor
Mr. Timothy Pinos, Counsel

The Committee heard an appeal from the Appeals Committee of the Faculty of Medicine, dated August 11, 1999, which dismissed an appeal from the Board of Examiners, Undergraduate Medical Program, requiring the Appellant, Mr. S.P., to repeat the course "Structure and Function" in the 1999-2000 academic year.

In the 1998-1999 Academic year, the Appellant was a student in the first year of the Undergraduate Medical Program. One of the major courses in that year is "Structure and Function," which occupies a significant portion of the teaching program in the fall term. That course is divided into segments, of which the first is Anatomy. This segment is itself subdivided into two parts, each of approximately five weeks duration. Students write an examination, immediately following the completion of each part, on the subject matter covered in that part.

Report Number 240 of the Academic Appeals Committee

Unfortunately, the Appellant missed the examinations for both parts of the Anatomy segment. On the first occasion, the Appellant was ill. On the second, he had to return to Winnipeg to take part in religious services on the occasion of the death of a member of his family. The Faculty accepted the validity of the reasons for these absences, and arranged for a deferred examination to be written.

Originally, the Course Director contemplated that a deferred examination would take place after the Christmas break. However, after the second examination was missed, and the Course Director had an opportunity to consider other aspects of the Appellant's record, he concluded that the Student should concentrate on his spring term work, and not be distracted from it by deferred examinations during that term. Accordingly, the deferred examination in Anatomy was set for June 24, 1999. The work for both parts of the Anatomy segment was covered in the one examination, whereas the students who wrote the regular examinations during term wrote two examinations, each covering a portion of the total material in the segment. The Appellant wrote the deferred examination, did not obtain the requisite passing average in the Anatomy segment of the course, and was failed in the course by the Board of Examiners.

There is no challenge to the grade assigned on the deferred examination. The basis of this appeal is the allegation that requiring the Appellant to write a single examination in Anatomy, rather than the two examinations written during term by the other students, breached the spirit, if not the letter, of Faculty guidelines regarding "Alternative Assessment," and was inherently unfair, inasmuch as this imposed upon the Appellant a heavier preparation burden than that borne by other students.

The Faculty's guidelines with respect to "Alternative Assessments" require that these "resemble, as closely as possible, the standardized assessments administered to the rest of the class, in terms of domains of knowledge and/or clinical competence covered, the comprehensiveness of coverage, and level of difficulty."

Both the Appellant and the Faculty, in their submissions to this Committee, seem to have assumed that the quoted extract from the Guidelines applies to a deferred examination such as was set and written in this case. This Committee does not agree. The context in which the extract is found makes it clear that an "Alternative Assessment" as used in the Guidelines, refers to an assessment administered when a candidate is "unable to submit to full evaluation due to illness or other excusable circumstances." This phrase refers to situations where a student's physical circumstances make an assessment of him or her in the format, conditions and time of the regular examination impossible or manifestly unfair. It does not apply to an examination that is merely deferred because a student is, on excusable grounds, unable write it at the scheduled time. Your Committee therefore did not have to decide whether the setting of one, rather than two examinations, would necessarily have breached this guideline.

No other regulation or guideline, either of the University or of the Faculty, which might apply to require the two-examination format administered during term to be replicated in a deferred examination was brought to this Committee's attention. Therefore the Committee

Report Number 240 of the Academic Appeals Committee

considered whether the single deferred examination which was administered, so unfairly prejudiced the Appellant as compared to the other candidates, that the result should be set aside and the other relief sought by the Appellant be granted. The Appellant asked that he be permitted to write two examinations in the Anatomy segment, comparable to those written by the other candidates, and if these are passed, that the Appellant be passed in "Structure and Function," and allowed to proceed in the second year.

Your Committee does not find that there was unfairness in administering a single examination in the circumstances.

First, the Appellant had ample warning of the format of the proposed examination, through a letter dated April 6, 1999 from Dr. Taylor, the Course Director. The Appellant did not protest the format, at least until the period immediately before the scheduled examination, when he complained of the heavy volume of work to be covered. This Committee would be reluctant to find a waiver by the Appellant of any rights to relief he might have if the circumstances were in fact unfair, but the failure to make timely complaint at least means that the relevant Faculty members were not alerted in timely fashion that the Appellant had any problems with the proposed single examination format.

Second, while the Committee can accept that it is easier to prepare for two examinations, with a significant amount of time between them, than a single examination covering the same material, the Appellant had what the Committee considers to be compensating advantages. He finished his last examination for the Academic Year on June 2, 1999, and thereafter, until the deferred examination on June 24, 1999, had no academic responsibilities other than preparation for that deferred examination. As mentioned, the regular in-term examinations occurred immediately following each five-week part of the Anatomy segment of the Course. While, of course, candidates writing the regular examinations were doing so while the material was fresh in their minds, the Appellant would have been preparing for those examinations during term in the expectation of writing them, and the period from June 2 to June 24, 1999, would give the Appellant a further chance to review and prepare which the other candidates would not have had. All in all, your Committee does not believe that the Appellant was evaluated unfairly compared to his classmates in the Anatomy portion of the Course, and considers that the Board of Examiners could rely on the results of the deferred examination in coming to its conclusion that the Appellant failed "Structures and Function."

The appeal is dismissed.

Patti Seaman
Secretary

Professor Ralph Scane
Acting Chairman

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