

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

REPORT NUMBER 246 OF THE ACADEMIC APPEALS COMMITTEE

May 4, 2000

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Thursday, May 4, 2000, at which the following were present:

Assistant Dean Bonnie Croll, Acting Chairperson
Professor Christopher Barnes
Professor Vivek Goel
Professor John Mayhall
Ms Shruti Dev-Nayyar

Ms Susan Girard, Acting Secretary, Academic Appeals Committee

In attendance:

Mr. B.S., the Appellant
Professor Richard Powers for the University of Toronto at Scarborough

Your Committee considered an appeal by Mr. S. (the "Appellant") from a decision of the Subcommittee on Academic Appeals at the University of Toronto at Scarborough (Scarborough) which confirmed the decision of the Subcommittee on Standing at Scarborough to deny the Appellant's request to write deferred examinations in ECOBO7Y, ECOBO9Y and PSYB3OS.

The Appellant was a student at Scarborough. The registration history of the Appellant indicates that the Appellant was a registered student in the 1994-95 academic year, that the Appellant was suspended for the 1995-96 academic year and that the Appellant returned to Scarborough for the academic years 1996-1999. This appeal relates to examinations that were not written by the Appellant during the April-May 1999 examination period. In this period, the Appellant did not write four examinations. The Appellant petitioned the Subcommittee on Standing at Scarborough to write examinations in these subjects in the August 1999 examination period and was granted permission to do so. However, in August 1999 the Appellant wrote only one of the four examinations, leaving examinations in the courses ECOBO7Y, ECOBO9Y and PSYB3OS outstanding. On August 20th, 1999 the Appellant again petitioned the Subcommittee on Standing to write the three missed examinations and the petition was denied. When informing the Appellant of its decision, the Subcommittee on Standing noted that the medical note submitted by the Appellant was inconsistent with the explanation provided in the Appellant's petition. On September 9, 1999, the Appellant submitted a further petition to write deferred examinations in the courses ECOBO7Y, ECOBO9Y and PSYB3OS, and at this time the Appellant submitted further documentation to support the Appellant's claim that the Appellant was unable to write the three examinations in August 1999. After considering the additional documentation, the Subcommittee on Standing granted the request. Professor Powers, on behalf of the Subcommittee on Standing, telephoned the Appellant on September 13, 1999 to advise the

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Appellant that the three examinations would be rescheduled, and during the telephone conversation, the Appellant and Professor Powers agreed that the three examinations would be written during the week of September 20, 1999. Professor Powers advised your Committee that on the following day, September 14, 1999, prior to the Appellant receiving confirmation of the arrangements made in the telephone conversation of September 13, 1999, the Appellant submitted an appeal requesting additional time in order to secure time off from work and to study for the examinations.

Accordingly, on September 15, 1999, Professor Powers and the Appellant had another telephone conversation. Professor Powers advised your Committee that in this conversation Professor Powers and the Appellant agreed that the examinations would be written on October 4, 5 and 6, 1999. Confirmation of these arrangements was sent in a letter to the Appellant dated September 15, 1999. On September 27, 1999 the Appellant left a voice message for Professor Powers that the Appellant's understanding was that the three examinations were to be scheduled for the week of October 11, 1999. On September 28, 1999 Professor Powers telephoned the Appellant and reiterated that the agreed upon dates were October 4, 5 and 6, 1999, and that the Appellant was expected to write the examinations on those dates. On October 4, 1999 the Appellant did not attend to write the examination in PSYB30S. Professor Powers telephoned the Appellant and left a message for the Appellant to contact him. On October 5, 1999 the sister of the Appellant telephoned and left a voice message for Professor Powers that the Appellant would not be writing the examinations on October 5 and 6th. On October 6, 1999 the Appellant wrote to Professor Powers requesting permission to write the three examinations at a later date. On November 9, 1999 Professor Powers wrote to the Appellant denying this request on behalf of the Subcommittee on Standing. The Appellant appealed that decision to the Subcommittee on Academic Appeals at Scarborough on November 24, 1999. The Subcommittee on Academic Appeals upheld the decision of the Subcommittee on Standing and denied the Appellant's request to write the three examinations at a later date. It is this decision that the Appellant is now appealing to your Committee.

The Appellant has asked your Committee to accept that there was a simple misunderstanding or miscommunication between the Appellant and Professor Powers, leading the Appellant to believe that the examinations were to be written the week of October 11, 1999 and that the decision of Scarborough to deny the Appellant the right to write the examinations at a further rescheduled time is too harsh in the circumstances. Professor Powers, on behalf of Scarborough, has informed your Committee that there was no misunderstanding or miscommunication with respect to the dates, and that the Appellant's petition to write the examinations at yet a later date is simply one of a long line of requests from the Appellant to have examinations rescheduled. Your Committee was advised that over the course of the Appellant's enrolment at Scarborough, Scarborough has been very obliging and flexible in its dealings with the Appellant. As well, the repeated requests to reschedule the three examinations suggests to your Committee that Professor Powers and others at Scarborough would be most vigilant in assuring that accurate information was conveyed to the Appellant and that all interactions between Scarborough and the Appellant were properly documented. As well, your Committee felt that there were a number of inconsistencies throughout the Appellant's submissions. The Appellant was initially concerned about completing the examinations in order to convocate in November 1999. However, the Appellant's request to write the examinations in the December 1999 period is inconsistent with this concern. In addition, your committee was not satisfied with, and in fact, was confused by, the Appellant's explanation as to the notice the Appellant was required to provide to the Appellant's employer, and the amount of time away from work required by the Appellant in order to prepare for the examinations. Your Committee considered that Professor Powers' explanation that the Appellant had undertaken to study during the days of October 4, 5 and 6 and to write the examinations on the evenings of those days was more reasonable. Finally, while your Committee does not dispute that the Appellant's academic concerns may have provoked some anxiety, it is not persuaded by the medical documentation presented as to the

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Appellant's inability to write the examinations on the dates set out in the letter from Professor Powers dated September 15, 1999.

Your Committee appreciates that denying the Appellant another opportunity to write the three exams will cause distress for the Appellant, with respect to career plans, financial concerns and especially with respect to the Appellant's upcoming marriage. However, it is the position of your Committee that the Appellant has been treated very fairly by Scarborough as the Appellant was given the opportunity to write the three examinations in August 1999, in September 1999 and October 1999. Each time the Appellant failed to do so. Knowing that being a graduate would be of significance to the family of the Appellant's intended spouse should have encouraged the Appellant to complete the degree requirements in a more timely fashion. The consequences that may now result because the Appellant failed to write the examinations do not now persuade your Committee to overturn the decision of the Subcommittee on Standing at Scarborough.

Finally, your Committee notes that the Appellant can satisfy the degree requirements by successfully completing two and one-half credits, and your Committee encourages the Appellant to do so.

The appeal is dismissed.

Susan Girard
Acting Secretary

Assistant Dean Bonnie Croll
Acting Chairman

May 4, 2000