

**REPORT NUMBER 255 OF THE ACADEMIC APPEALS COMMITTEE**

**March 13, 2001**

To the Academic Board,  
University of Toronto.

Your Committee reports that it held a hearing on Tuesday March 13, 2001, at which the following were present:

Assistant Dean Bonnie Goldberg, Acting Chairperson  
Professor Clare Beghtol  
Ms Jenny Carson  
Professor Brian Corman  
Professor Donna Wells

Ms Susan Girard, Acting Secretary, Academic Appeals Committee

In Attendance:

Mr D. D., the Appellant  
Mr Salim Hirji, Downtown Legal Services, for the Appellant  
Professor Ian McDonald, Associate Dean, for the University of Toronto at Scarborough

The student appealed from a decision of the Scarborough Sub-Committee on Academic Appeals ("Scarborough Sub-Committee), dated July 21, 2000, denying his request to rewrite the final examination in Macroeconomics ECMB08Y ("the course"). The decision was made in response to the student's petition to the Scarborough Subcommittee on Standing in which he sought permission to rewrite the examination. The petition was denied on May 17, 2000.

The student seeks the remedy of being able to rewrite the final examination in the course and to have his final grade in that course modified accordingly. The student argues that the Scarborough Sub-committee did not properly consider the medical grounds regarding the student's request for a rewrite, and that the Scarborough Sub-Committee erred in applying the standard test for assessing requests to rewrite examinations.

The student was enrolled in the course in the Winter 2000 semester, during his second year as a student at the University of Toronto at Scarborough. The course was a full year course being taught in one semester. The student is pursuing a degree in Economics, and the course is required for that degree. Completion of the course is also a pre-requisite for the student's proposed study abroad program in Germany during 2000-2001. The drop date for the course was March 3, 2000.

After reading week, the student suffered from acute lower abdominal pain, which was diagnosed by a doctor at the University of Toronto Health Services on February 25, 2000 as a kidney problem. A medical certificate allowed the student to defer tests on February 24<sup>th</sup> and 26<sup>th</sup> due to medical grounds. The student was prescribed painkillers. He remained under a doctor's care until the end of March, and was given medication to treat his condition.

During the period from the onset of the illness to the end of March, the student maintained his registration in six courses (actually the equivalent of seven courses, because ECMB08Y is compressed into one term but remains a full year course). The student missed a number of term tests and midterms in the course. He did not write assignments due February 22<sup>nd</sup> and March 1<sup>st</sup>, and he did not write tests on February 24<sup>th</sup> and March 23<sup>rd</sup>.

The student returned to the course on a regular basis at the end of March. Classes ended for the term on March 31st. At the time of his return, he discussed his absence with the instructor. He was afforded the opportunity to write a make-up examination for missed work on Friday April 7<sup>th</sup>, followed by the final examination on Monday April 10<sup>th</sup>, or to write the final examination *only*, which would count for 80% of the student's final grade. The student opted to write the final examination only. The student wrote the final examination on April 10<sup>th</sup> and received a 45%. His overall grade in the course is 46%.

On May 2<sup>nd</sup>, 2000 the student filed a petition to the Subcommittee on Standing asking permission to rewrite the final examination in the course. The student argued that his illness had prevented his attending classes between February 21<sup>st</sup> and April 1<sup>st</sup>, resulting in little time to study for the final. A medical certificate dated April 19<sup>th</sup> supported the petition, and detailed the sub-acute phase of his condition as having occurred between February 22<sup>nd</sup> and April 1<sup>st</sup>. The petition was denied on May 17, 2000 for the reason that the student's initial grades on the term work were 56% and 31% respectively, and that the student "should have considered dropping the course." It was also noted that the medical certificate did not cover the date of the final examination. Further it was noted in the decision that the instructor said that the student was aware of the risk of writing an 80% final examination.

The student appealed this decision to the Scarborough Sub-Committee and was again denied permission to rewrite the examination on July 21, 2000. The student had argued that dropping the course was not an option as it was a prerequisite for the study abroad program; that the nature of the illness affected his performance over the term; that he did not have adequate time to prepare for the final examination; and that he began to feel pain during the examination and could not concentrate. In its reasons for denying the appeal, the Scarborough Sub-Committee stated that the student was being "selective" in his request to rewrite the examination in this course, and that petitions to rewrite examinations "normally compare term work with the examination mark to see whether there is a discrepancy between the two. His submissions during the term were marginal or failures. The examination grade is not inconsistent with his term work."

The Committee has a great deal of sympathy for this student's plight during the winter term of 2000. Kidney problems such as those experienced by this student are known to be extremely painful. We do not dispute that the medical condition impaired the student's ability to complete his coursework and write his mid-term examinations. But the Committee is concerned that when the student first submitted his petition, he did not raise the issue of having been affected by his illness during his examination, although this is now at the heart of his appeal. Since the certificate does not indicate that the appellant was seen at the time of the final examination, it does not meet the usual test for medical documentation. It is also important to note that the student was able to write his other examinations on April 28<sup>th</sup> (but for one deferred examination related to another unconnected illness), May 1<sup>st</sup>, 4<sup>th</sup> and 5<sup>th</sup>.

Further, the test used by the Scarborough Sub-committee is the appropriate test for the following reasons. Opportunity to rewrite a final examination is an extraordinary remedy, reserved for the most serious and unique of situations. The Committee heard evidence

from the University attesting to just how rare such rewrites are, and some of the reasons for granting these requests. In order to effectively and fairly administer a policy that allows students in extraordinary circumstances to rewrite a final examination, the University requires an objective assessment of the student's performance on a final examination relative to what reasonably may be expected. The University contends, and we agree, that the best available instrument for doing this is a comparison of term marks achieved before the onset of adverse circumstances and the final results. Although the student did not complete the bulk of the assignments or tests in the course, he did not perform well at the outset. Therefore, the Scarborough Sub-Committee did not err in applying the usual test.

The Committee agrees with the University's contention that when a student requests special consideration in an academic context, the student must have done everything in his power to ameliorate the problem. What other options were available to the student? The student could have dropped the course. The student was already ill, and performing poorly by the March 3<sup>rd</sup> drop date, yet he chose to continue in the course because he wanted to study in Germany the next year. This was ill-advised. Similarly, the student could have petitioned for late withdrawal from the course without academic penalty after March 3<sup>rd</sup> when it became apparent that he was very far behind and still ill. Again, he chose to continue in the course. We also wish to note that the student did not approach his professor to arrange to make-up the lost work or assignments until the end of March. Further, he did not want to drop any of his other courses in order to lighten his admittedly difficult workload in order to concentrate on Macroeconomics. We did not hear evidence about how clearly the student was counseled about his available options, but we believe the student bears the greater responsibility for his academic choices.

In summary, the Committee believes that it is not reasonable to conclude that the student's performance on the examination was adversely affected by the onset of pain related to his kidney problems. We are very sympathetic to the severity of the student's illness and the distress it caused him. However, it was the severity of the illness that should have prompted the student to take steps to mitigate its affects on his performance. In assessing such a serious request, the University requires the clearest possible evidence. In this case, the medical documents do not meet the usual tests to grant the extraordinary remedy of rewriting a final examination. The University of Toronto at Scarborough followed its procedures in order to ensure as fair and equitable outcome as possible, not just for the appellant but for all its students.

The appeal is dismissed.

March 27, 2001