

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

REPORT 285 OF THE ACADEMIC APPEALS COMMITTEE

November 17, 2003

Your Committee reports that it held a meeting on Tuesday, October 14, 2003, at which the following members were present:

Professor Emeritus R.Scane (Chair)
Mr. M. Ahmad
Professor B. Corman
Professor R. Elliot
Mrs. S. Scace

Secretary: Ms. S. Girard, Office of Governing Council

Appearances:

For the Student:

Ms. L.

For the University of Toronto at Scarborough (UTSC):

Associate Dean I McDonald

This is an appeal from the Sub-committee on Academic Appeals of UTSC, dated October 25, 2002. This decision dismissed an appeal from a denial of a petition to permit a rewrite of the final examination in ASTB03H3S, written in 2002 Winter Session, and to defer a three year suspension imposed at the conclusion of that term.

The Student entered UTSC in the Fall Term, 1999, as a candidate for the B.Sc. degree. Her academic history here has been marginal. She was placed on academic probation at the end of the 2000 Winter Term, and after taking two courses during the 2000 Summer Term, was suspended for one year. She returned in the 2001 Fall Term, and following that term, was allowed to proceed on probation. She enrolled again in the 2002 Winter Term, where she took three courses, one of which was ASTB03H3S. She failed this course. She received grades of C and D- in the remaining two courses. As a result, she was placed on three-year suspension.

The Student gave evidence of great difficulty in adjusting to university life. She has also been distressed and distracted by serious family problems. Your Committee sees no point in detailing

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her long-range problems here. They are not sufficiently compelling to persuade your Committee that there are grounds to interfere with the three-year suspension which she is presently serving. The Student has had a long time to make her adjustments to these problems, without noticeable improvement in her academic performance.

The particular relief sought with respect to ASTB03H3S is based upon medical grounds. The Student has had some history of severe stomach pain, attributed to excess acidity, which she has treated with herbal medicines. She wrote a final examination in another subject in the morning of April 18, 2002, and the examination in the subject in question that evening. She had a severe cold, with headache, sore throat and fever. She wrote the morning examination, and then went to the Health & Wellness Centre at UTSC, where she was seen by a nurse and given some medication. The nurse assessed her condition as having "minimal impact" on her academic functioning. About two hours before the evening examination her stomach began to be upset, and during the examination, she suffered severe stomach pain, in addition to the existing cold symptoms. She did not return for medical assessment because she believed from previous experience that the stomach condition would clear itself within a day or two. The Student has not gone to regular medical doctors in the past, but has from time to time attended upon herbal doctors.

This is another case where documentation of medical assessment regarding the complaint is almost non-existent, with everything depending upon an assessment of the Student's oral evidence. The Student's case is weakened by the fact that her performance on the final examination is not substantially weaker than her term average in the subject, which was worth fifty per cent of the final mark. Your Committee is divided. The minority view is that there is insufficient basis for a conclusion that the described illness was a satisfactory explanation for the failure. The majority opinion was that the illness described by the Student, whose oral evidence was accepted, made it more probable than not that the failure on the final examination, and the failure in the course would not have happened but for the medical condition. The Student was unwise in not following up immediately to obtain further documentation following the examination, but her explanation of why her previous experience with this condition led her to take no further action is accepted.

The appeal with respect to the course ASTB03H3S is allowed. The Student may rewrite the final examination therein during the examination period in December 2003. The mark received in the rewritten examination shall have the same weight as the final examination taken in that course in 2001. The mark shall be combined with the term marks assessed for her in 2001 to determine the new final grade.

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The appeal with respect to the existing three-year suspension is dismissed. Your Committee understands that if the final mark received in ASTB03HS after the rewritten final examination is sufficiently high, the suspension will be removed retroactively automatically. Otherwise, it will continue its normal course.

November 17, 2003

Susan Girard
Secretary

Ralph Scane
Senior Chair

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