

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

REPORT NUMBER 287 OF THE ACADEMIC APPEALS COMMITTEE

December 10, 2003

To the Academic Board,
University of Toronto

Your Committee reports that it held a hearing on October 8, 2003 and October 29, 2003 at which the following members were present:

Assistant Dean Jane Kidner, Chair
Professor Pamela Catton
Professor Phil Byer
Professor Gretchen Kerr
Mr. Mike Foderick

Secretary: Mr. Paul Holmes, Judicial Affairs Officer

Appearances:

For the Student

Ms. L. (the "Student")
Ms. Deidre Ann Newman, Counsel for the Student

For the University of Toronto, Faculty of Arts and Science

Professor David Cameron, Acting Vice-Dean, Undergraduate Education and
Teaching
Ms. Elaine Ishibashi, Associate Registrar
Professor Manuela Scarci, former Undergraduate Coordinator, Department of
Italian Studies

This is an appeal from the decision of the Academic Appeals Board of the Faculty of Arts and Science dated March 7, 2001. That decision denied the Student's petition to the Committee on Standing requesting late withdrawal without academic penalty from ITA 100Y, a first-year Italian course in the 1999 Summer Session.

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The Facts:

The Student is a part time student at the University of Toronto, Woodsworth College. The Student has a learning disability and has been registered with the University of Toronto Accessibility Services since January 1998. The Student is entitled to a number of special accommodations for her learning disability, including:

- double time for tests and exams;
- exams to be written in a private room;
- note-taking in lectures;
- extensions for assignments to be negotiated with professors; and,
- the use of a tutor when requested.

The Student also has several diagnosed environmental sensitivities and allergies including sensitivities to dusty and poorly ventilated spaces, chemicals in the environment such as perfumes and strong cleaning agents and detergents, and sensitivity to changing barometric pressure and extreme heat and humidity in the summer months. These conditions can cause the student to suffer extreme migraines.

In the summer of 1999 the Student enrolled in a first year Italian course, 1999S ITA100Y taught by Professor Anna Moro. The course began on May 17, 1999 and was to run for thirteen weeks ending with the final exam on August 16, 1999. The final date to drop the course without academic penalty was July 23, 1999.

The summer of 1999 involved extreme heat. As a result the Student experienced migraine headaches, and was unable to write the first test in the course on June 16, 1999. Rather than schedule a makeup test, Professor Scarci, then the Undergraduate Coordinator for the Department of Italian Studies, agreed that the second test in the course, scheduled for July 19, 1999, would count for a higher percentage of the Student's final mark.

On July 15, 1999, the Student learned that her mother, who lived with her father in Sault Ste. Marie, had suffered the symptoms of a heart attack and was admitted to hospital. The Student's father was also seriously ill at the time with terminal cancer (he later died on May 15, 2000) and was unable to care for her mother on his own. The Student traveled by bus to Sault Ste. Marie from July 17 to July 21, 1999 to be with her two ailing parents. As a result, the Student was unable to write the second scheduled test for the course on July 19, 1999. The Student testified that she notified the Special Needs Office (where she was scheduled to write the test) that she would not be present to write the test due to a family emergency.

The Student returned to school two days prior to the drop date for the course on July 23, 1999. The Student testified that at that time she intended to continue with the course and felt she would be able to make up for lost time and pass the course. She went to see Professor Scarci and asked for a recommendation for a tutor. Despite this request, Professor Scarci testified that she refused to recommend a tutor for the Student and

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instead strongly recommended that the Student drop the course. The Student decided to continue in the course and several days later found a tutor on her own.

A makeup test was scheduled for the Student for July 27, 1999 and was later rescheduled to August 3, 1999 at the request of the Student. The Student testified that the extreme heat of the summer and resulting headaches left her unable to attend all of Professor Moro's classes. Instead she attended another session of the same course which was held in the evening.

The Student testified that her father contacted her at the beginning of August because he was having difficulty coping with his illness as well as the mother's illness, and asked for her help. The Student decided at that point that she would have to drop the course knowing that she would not be present for the final exam scheduled for August 16, 1999. In fact the Student did travel to visit her parents in Sault St. Marie from August 15 to August 21, 1999 and did not write the final exam.

The Student testified that on August 2, 1999, she telephoned Professor Scarci in the Italian Studies Department and left a message to let her know that she would have to withdraw from the course and that she would not need the special needs accommodations.

The Student did not attend to write the final exam on August 16, 1999, and received an F in the course. The Student subsequently re-registered in and successfully completed ITA 100Y in the Fall/Winter session of 1999/2000 and obtained a grade of C+.

Decision

It is clear that the Student was under an enormous amount of pressure due to family medical emergencies (including the illness of both her father and mother) during the summer 1999. Her diagnosed learning disability and environmental sensitivities which caused extreme migraines exacerbated the situation. It is also clear that the Italian Studies Department at the University of Toronto made great efforts to accommodate the Student during this time. When the Student was not able to write scheduled tests, make-up tests were scheduled, and when she was unable to attend those, second make-up test dates were arranged. The Italian Studies Department did everything that it could to accommodate the special needs of the Student including her learning disability, the family medical emergencies, and her own medical condition during the summer of 1999.

The mere fact that the Student is entitled to special accommodation does not absolve her of the responsibility to comply with the university's rules governing the dropping of courses. Students entitled to special accommodation nevertheless have an obligation to assess their own ability within any particular course they are taking and to withdraw from any course prior to the deadline should they feel they cannot pass.

However, in this particular case, the majority of the panel found that the special and unique family medical emergencies that the student faced in the summer of 1999,

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exacerbated by the challenge she already faced with her learning disability, made it difficult for the Student to properly assess her situation and withdraw from the course prior to the final drop date.

A minority of the panel disagreed and found that the circumstances of the Student were not sufficient to excuse her from her obligation to withdraw from the course by the course drop date and to warrant granting this appeal.

The Decision of the Committee is by a majority decision and therefore the appeal is allowed. The Committee therefore orders that the Student be permitted retroactive late withdrawal without academic penalty from ITA 100Y.

Respectfully submitted,

Paul J. Holmes
Secretary

Jane Kidner
Chair

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