

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

**REPORT NUMBER 298 OF THE ACADEMIC APPEALS COMMITTEE
May 10, 2005**

Your Committee reports that it held a hearing on Friday April 29th, 2005, at which the following were present:

Assistant Dean Bonnie Goldberg, Chair
Dr. Pamela Catton
Professor Yuki Johnson
Ms. Françoise Ko
Professor Arthur Ripstein

Mr. Andrew Drummond, Acting Secretary of the Committee

In Attendance:

Ms S., the Appellant
Associate Dean Nick Cheng, University of Toronto at Scarborough

The Appeal

The student is appealing the decision of the University of Toronto at Scarborough Subcommittee on Academic Appeals, dated August 14, 2002 refusing her request to write a deferred examination in the 2002 Winter session course HMB265S. The student requests that the failure in the course be removed from her transcript, as the time has now reasonably passed for the writing of a deferred examination (her original request).

Facts

The student enrolled in an Honours Bachelor of Science program, with a specialist in Human Biology in the fall of 2000. At the end of the academic year, she was placed on academic probation as a result of not having achieved either an annual or a cumulative GPA of at least 1.60.

She received a letter from the Director of Recruitment and Registrar dated May 31, 2001 providing information about ways in which to address her poor academic performance. She was referred to academic advising, as well as such other resources as Health and Wellness Services, Financial Aid Services, AccessAbility Services, and Teaching and Learning services.

In the 2002 Winter session, the student registered for 5 courses and was scheduled to write 3 of the examinations over a two-day period. UTSC policy is to grant students relief from three *consecutive* examinations, but not 3 examinations within a 24-hour period. She wrote 4 of her 5 scheduled examinations between Wednesday April 17, 2002 and Tuesday April 30. She wrote MATA24H3S on Monday April 29 from 9-12 and BGYB10Y3Y on Tuesday April 30 from 2-4. She did not write HMB265H1S as scheduled on Tuesday April 30 from 9-12. This is the subject of her appeal.

During this time, the student was suffering from prolonged clinical depression. She had difficulty acclimating to Toronto, having moved from Ottawa to attend University. She experienced two deaths in her family. She began taking anti-anxiety medication in April 2002 and at the time, was concerned about side effects and confused as to the dosage and type of medication.

The result of not writing the examination on the scheduled date is that the student failed HMB265H1S with a grade of 41%. Going into the examination her grade was 68.3% but the final examination was worth 40%. Her results in her first year and second year courses were mostly below average. As a consequence of her low annual and cumulative GPA at the end of the 2001-2002 academic year, the student was placed on a one-year academic suspension.

Previous Decisions

On April 29th, the student petitioned to write a deferred examination in HMB265H1S on the grounds that she was suffering from anxiety and stress. She wrote in her petition of her psychological and medical distress prior to the exam period. She described seeking medical help and that she was diagnosed on April 16th as having anxiety and depression. She was prescribed an anti-anxiety medication. She wrote of the difficulty she experienced in the first term writing 3 exams in 30 hours. She stated that she did not want to defer all her examinations, but “three exams again in 30 hours was just too much.” She wrote that she does “not want to discuss in this letter” her personal circumstances but that her doctor “can tell you.” She wrote of her desire to succeed and her willingness to seek help. She believed that having this particular exam deferred would relieve some of her stress and that “I really need this break.”

The student submitted an April 24, 2002 University of Toronto Student Medical Certificate from Dr. Joseph K. Wong. The certificate said that the student was suffering from acute and chronic anxiety and depression, and that he had proscribed counseling and anti-anxiety medication. He wrote that she is unable to concentrate, unable to fall asleep and experiences drowsiness with the medication.

The student’s petition was denied in a letter from Associate Dean Ian McDonald writing for the Academic Committee, dated June 14, 2002. Under UTSC policy, a student who is physically capable of writing an exam is expected to do so. A re-write is an option if, after attempting the exam, the student can prove that she was seriously affected by either an illness or other affliction. The letter states that the student did not present any evidence to show that she was incapable of attempting the examination. The letter notes that she wrote the exam scheduled for the afternoon of the day in question and wrote the exam scheduled for the day prior to the exam in question. Further, contrary to UTSC policy, the medical documentation did not indicate that she was examined on the day in question or even close to the day. Her documentation provided evidence that she saw Dr J. Wong on April 16 and April 24. There was no evidence in the document that she was unable to write any or all of her examinations. The June 14th letter also informed the student that she was on academic suspension.

On June 24, 2002, the student appealed the denial of her petition to the UTSC Subcommittee on Academic Appeals. In her written submission, she provided more detail regarding her medical issues. She stressed her belief that the responsibility was on the University to contact her doctor for more information about her medical situation. The student acknowledged that writing an examination on the afternoon of April 30th was “questionable.” She stated that her doctor suggested she defer the majority of her exams, but she refused because of time constraints, financial constraints and personal issues. She wrote about her confusion regarding her prescribed medication, as a result of receiving

conflicting medical advice from a doctor at the University of Toronto Health Services. She noted that she had commenced psychological counseling with Drs. Choi and Likwornik at the University of Toronto.

In support of her appeal, the student provided a U of T Student Medical Certificate from Dr J. Choi of the University's Psychiatric Service dated July 19, 2002 and from Dr Wong dated August 7, 2002. Dr. Choi's University of Toronto Medical Certificate noted that the "student had had difficulty with mood, sleep, concentration, and appetite. A significant [stressor] contributing to this was learning of a petition denial at the end of May 2002." She prescribed continued psychiatric follow-up and psychotherapy. The second note from Dr Wong confirmed that the student was under his care on April 16th and April 24th. He reiterated her diagnosis and symptoms. He explained that she is alone in Toronto, and lacking adequate emotional support from her family. He described her treatment. He noted that her mental conditions coupled with the side effects of the medication would certainly affect her work performance negatively.

The student did not appear at the hearing, but was represented by her brother, a New York lawyer. The student's brother spoke to his sister's issues of anxiety, depression, medical treat, family deaths, and loneliness in Toronto.

On August 10, 2002, the UTSC Subcommittee on Academic Appeals denied the appeal. The Subcommittee found that the student had not made sufficient effort to ameliorate her previously identified circumstances such as reducing her course load or seeking academic advising as recommended. The student's petition was denied in accordance with UTSC policy that students cannot petition in advance of the event in question, and the Subcommittee noted that she ought to have seen her doctor on or close to the day of the exam. Further, although the student had requested in her petition that the University contact her doctor directly, the University did not do so because this is contrary to UTSC policy which places the onus on the petitioner to prove her case.

On November 13, 2002, the student appealed to the Academic Appeals Committee of Governing Council.

Decision

Your Committee is unanimously of the view that the student's appeal should be dismissed.

The student was not entitled to other forms of relief because she was writing three examinations over a two-day period, because the examinations were not consecutive. With respect to deferred examinations, under UTSC policies, students must attempt to write an examination if they are able to do so or must present appropriate medical documentation to prove incapacitation at that time. The medical document submitted for the petition stated only that the student was unable to concentrate, unable to fall asleep and had experienced drowsiness with medication. The August 7th letter elaborated on these symptoms, but does not indicate that one examination was more likely to be affected than another. This note does not speak to incapacity to write the examination either. Dr. Choi's note is dated June 20, 2002 and does not speak to the appellant's decision not to write the examination, but instead refers to the stress incurred by the petition denial. In addition, the student wrote 4 of her 5 examinations. Thus the student's medical documentation does not meet the standards necessary to provide relief.

The student understood the rules regarding deferred examinations having requested and received permission to defer an examination in 2001. In her first year, the student petitioned successfully to write a deferred examination in PSYA01Y, which was

approved. UTSC policy states that students are expected to take ameliorative steps to avoid petitioning again on the same grounds, such as taking time off, reducing the course load, or seeking academic counseling. When the student received her academic probation letter in May 2001, she was offered several different ways of seeking assistance for her academic difficulties but did not take any of these steps. The student had also experienced difficulty during the December 2001 examination period when she was taking only three courses, yet did not take measures to reduce her winter course load.

An additional matter was raised at the hearing. We heard evidence of the student's confusion regarding the policy for the re-writing of examinations at UTSC – her "home" campus, and the different policy at the St. George Faculty of Arts and Science where she was taking the course. UTSC acknowledges the conflict and your panel accepts the student's evidence that this confusion aggravated her situation at the time in the sense that she may have made different choices if she had been properly aware of the rule that the "home" campus governs policy matters. However, we find that this peculiar problem did not sufficiently disadvantage the student on the facts of this case as to necessitate providing her relief on this ground.

Your Committee does have compassion for the student's academic and personal difficulties during her first two years of University. We wish to note that upon her return from the academic suspension, the student's grades improved dramatically. The student shared with the Committee her positive experience at the University in the last two years, the fact that she is graduating this June, her work in peer outreach on mental health issues, and that she will be commencing another program at a different institution in the fall. We commend her for her willingness to seek help and her greatly improved academic performance. However, the student did not meet the UTSC standard for medical documentation necessary to receive a deferred examination. The medical documentation was not concurrent with the petition request, nor did it speak to the student's inability to write the examination in question. The student's behaviour at the time of the examination did not demonstrate incapacity to write the examination nor did she allege incapacity. The student did not take ameliorative steps either prior to or during the winter term.

For these reasons, the appeal is dismissed.

Andrew Drummond,
Acting Secretary

Bonnie Goldberg,
Chair