

**THE UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL**

Report #364 of the Academic Appeals Committee
December 13, 2012

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on November 21, 2012 at 8:45 am, at which the following members were present:

Sara Faherty, Chair
Mr. Michael Donnelly, Student Member of Academic Board, Governing Council
Professor Hugh Gunz, Faculty Member of Academic Board, Governing Council

Secretary: Christopher Lang, Director, Office of Appeals, Discipline and Faculty
Grievances

Appearances:

For the Student Appellant:

Ms. A [REDACTED] M [REDACTED], the Student Appellant

For the University at Toronto Scarborough Campus (UTSC):

Professor John Scherk, Vice Dean, UTSC

I. Appeal

The Student appeals a decision of the University of Toronto Scarborough Academic Appeal Committee dated March 30, 2012, denying her request to rewrite two final examinations she took during the 2011 Summer Session: courses ECMA04H and POL208Y. The Appeal Committee dismissed the Student's December 8, 2011 appeal from the decision from the Subcommittee on Standing, which had also denied her request to rewrite the two examinations.

II. Facts

In September of 2011, after several years of struggling with academic and personal problems, the Student enrolled in three courses, including Introduction to Microeconomics, ECMA04H, and Introduction to IR, POL208Y. Her final examinations in those courses both took place on

Tuesday, August 16, 2011. She received a mark of 39, or F, in Introduction to Microeconomics and a mark of 57, or D+ in Introduction to IR. The Student asked to take those two examinations again, on the grounds that she was ill on August 16, 2012. Her e-petition explains that on that day she “had red teary eyes, severe headache, difficulty with breathing, and also weakness and dizziness [and]was in really bad shape, completely dehydrated, dizzy, severe headache, and stuffy nose.”

The Registrar noted that on September 2, 2011 the Student handed in an undated medical certificate, and that the certificate had been returned to the Student so she could get that field completed. The Student also told the registrar that she was trying to get a letter from the invigilator. Ultimately, the student submitted a medical form that was dated September 1, 2011, and no invigilator letter. During her hearing the Student reported that she asked an invigilator for a letter, but the invigilator declined to provide one, saying, according to the Student, that the examination was a long time ago and she did not remember the conversation.

In its decision letter created on September 16, 2011, the Subcommittee on Standing denied the petition, citing the UTSC Calendar entry stating,

“If you choose to write an examination, you may not petition to rewrite it. In truly exceptional circumstances such as a significant illness that manifests itself during an examination, you may petition to defer the exam that you have begun (see D below). This would require both corroboration from the examination invigilator and documentation from a health care professional.”

The Subcommittee on Standing found that the medical note dated on September 1, almost two weeks after the day of the exam, did not constitute compelling evidence to support granting a rewrite.

In her appeal to the UTSC Academic Appeal Committee, the Student raised an additional argument to the one presented in her original petition. There, she argued that since entering the University she has suffered from depression and anxiety, and that this had been greatly exacerbated by her mother’s health problems over the winter of 2009-2010. In this second petition, the Student continued to stress her illness on the day of the two examinations, and reported that when she spoke to the invigilators they suggested that she should try to sit in the exam and if she still had difficulty, she should leave.

In its March 30, 2012 letter, the UTSC Academic Appeal Committee denied the Student’s appeal to rewrite her exams. The letter expressed sympathy for the Student’s circumstances, but concluded that because the Student had not submitted an appropriate medical certificate or confirmation from the invigilators they did not consider the circumstances sufficient to warrant grounds for permission to rewrite the examinations. The letter erroneously asserted that the Student wrote a third final examination the day following the two exams she took on August 16, 2011. The Student corrected this error, and at the hearing the UTSC representative acknowledged that the student was correct and that the error was the Division’s. However, UTSC also maintains that the mistaken date was not the basis for its decision, and the ruling should stand because the student did not properly document her illness.

III. Decision

The facts of this appeal are, from the Division's perspective, straightforward and simple. The requirements for rewriting an examination are reasonable and clear. The burden is placed on a student to document an illness that prevents her from completing an exam once the exam has begun. In order to substantiate her case, the Student needed a doctor's note and some corroboration from the invigilators.

The record of what happened on August 16, 2011 is frustrating because we have no reliable documentation of the Student's condition on that day. She does not appear to have advocated well for herself, either in clearly explaining to the invigilators what she wanted to do, or in following up immediately after the examinations to acquire the necessary documentation. When asked why she did not simply leave the examinations, the Student recalled that the invigilators told her that if she could not perform then she could go. The Student reports that the wording of their responses made her decide to stay and "try [her] level best" to do well on the examination.

While this Panel understands that the obligation to document an illness is properly placed on the student who is asserting a medical excuse, we were disappointed in the possible lack of clarity on the part of the examination invigilators. There are different practices at other divisions. For example at University of Toronto Mississauga each exam is preceded by a formal spoken announcement, which advises examination takers, "You CANNOT petition to re-write an examination once the exam has begun. If you are feeling ill, please leave the room now and seek medical attention immediately." If a similar announcement had been made at Scarborough, this appeal might have been unnecessary because the Student may not have taken the tests that day. This panel cannot be sure of exactly what was said to the Student during her examinations, or what she said to the invigilators. Nonetheless, we believe this appeal would have been much less difficult if UTSC had a standardised practice establishing for both students and invigilators, how to proceed under these circumstances. We urge the division to consider adopting such a practice.

The Student does not argue that she was unaware of or did not understand the policy. No one on the panel doubts that she was suffering from a cold and allergies on August 16, 2011, and the panel is sympathetic to the Student's overarching difficulties with her own health and her mother's health. What we do not know, and cannot know due to the lack of documentation, is whether she was too sick to take the examinations that day. In the final analysis, it seems clear that the Student made decisions on the day of the tests. She decided to attend the afternoon examination. Later that day, she decided to attend a second examination in the evening. At both examination sites, she reports that she indicated to the invigilators that she was not feeling well, but at both examination sites, she ultimately decided to stay and take those examinations. In any event, the Division would have taken the same steps it is taking here if the Student had walked out and refused to complete her examinations—it is simply asking her to document the illness.

Under these circumstances, UTSC was justified in invoking its policy requiring the Student to document her significant illness, and asking her to provide corroboration from the examination invigilator and documentation from a health care professional. We agree that a certificate dated on September 1 was insufficient to document the Student's condition on August 16. The lack of

certainty about what transpired between the Student and the invigilators is unfortunate, but it does not change the clear requirements set forth by the Division.

This panel was heartened to learn that the Student is taking steps to resolve her problems, and we join the Division in encouraging her to continue working on her plan to return to the University of Toronto Scarborough. The appeal is dismissed.