

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

Report #329 of the Academic Appeals Committee

March 18, 2009

The Academic Appeals Committee reports that it held a hearing on Thursday, February 19, 2009, at which the following were present:

Assistant Dean Kate Hilton, Chair
Professor Brian Corman
Professor Elizabeth Cowper
Mr. Kenneth Davy
Professor Michael Marrus

Ms. Mette Mai, Assistant Judicial Affairs Officer

In Attendance:

Mr. G. G (the “Student”)
Professor John Scherk, Vice-Dean, UTSC

The Appeal

The Student is appealing the decision of the UTSC Subcommittee on Academic Appeals, dated June 10, 2008, which denied the Student’s petition to rewrite the final examination in ECMA04H3.

Facts

The Student enrolled in an Honours Bachelor of Arts program at UTSC in the Fall 2006 Session. During the Fall 2006 term, he enrolled in four half-credit courses, one of which was ECMA04H3.

On December 9, 2006, the Student wrote the final examination in ECMA04H3. He was ill with gastroenteritis at the time and did poorly on the examination (53%). On December 10, 2006, the Student visited the doctor and obtained a medical note confirming his illness. The Student petitioned to rewrite the examination, and his petition was ultimately granted by the Subcommittee on Academic Appeals on June 1, 2007. In its decision the Subcommittee advised the Student that he should be prepared to rewrite the exam in the August 2007 examination period and that further opportunities to write the exam would “be granted only in very exceptional circumstances”.

However, in August 2007, the Student became ill with pneumonia. He visited his doctor and was advised not to attempt to write any of his examinations. The Student petitioned to write deferred examinations in three courses, and for an extension of time to rewrite

the final exam in ECMA04H3. On September 25, 2007, the Student received a letter from the Registrar's Office which granted the petition on the basis of the medical documentation provided. The Registrar's letter indicated that the Student would be required to rewrite ECMA04H3 during the December 2007 examination period. The letter also stated:

Please also note that the new grade will stand (ECMA04H3) whether it is higher or lower than the one originally awarded....You are advised to make every effort to write in the December examination period for it is very unlikely that a petition for another extension will be granted.

On December 6, 2007, the Student's uncle attempted suicide. The Student's uncle had been struggling with depression and addiction for some period of time, and the Student and his family were very distressed about the situation. On December 7, the Student rewrote the examination in ECMA04H3 and obtained a mark of 41%. The Student wrote final examinations in three other courses on December 11, 13 and 17, with good results.

On January 18, 2008, the Student's uncle died.

On February 29, 2008, the Student petitioned to rewrite the examination in ECMA04H3 for a second time, on the basis that he had been unable to focus on his examination due to the suicide attempt of his uncle. The petition was denied on the basis that the Student had been able to complete three other exams during the same time period and under the same circumstances.

On March 20, 2008, the Student appealed to the Subcommittee on Academic Appeals. The Subcommittee denied the Student's petition on June 10, 2008. In its decision, the Subcommittee wrote:

While the committee sympathized with the difficulties which this situation presented to you and your family, it was not clear that these difficulties significantly impacted your performance in ECMA04 and did not affect your performance on the other exam dates. The situation of your uncle's deteriorating health had been going on for some months. There was no reason to assume that the events of December 6 were going to be different from earlier episodes....You did not immediately petition for special consideration based on the events of December 6. If you had acted before you knew the outcome of your exam, particularly with some documentation to confirm events, this might well have been considered a very exceptional circumstance in which special consideration was merited. Instead, your decision to petition on January 25, 2008, was based on your knowledge of your (adjusted) mark in ECMA04.

On September 9, 2008, the Student appealed to the Academic Appeals Committee of Governing Council, requesting once again that he be allowed to rewrite the final examination in ECMA04H3.

Decision

This Committee was impressed with the sincerity of the Student, and does not doubt that the Student and his family were greatly distressed by his uncle's suicide attempt.

The issue before this Committee is whether the Student's situation on December 7 (the date of his final examination in ECMA04H3) was substantially different from his situation on December 11, 13 and 17 (the dates of his three other examinations), such that he should be deemed to have been incapable of writing a successful examination on December 7, even though he was capable of writing successful examinations on the other dates.

In making this determination, this Committee must consider the fact that there is no medical evidence to support the Student's claim that his mental distress was sufficiently acute to prevent him from concentrating on his examination in ECMA04H3. This Committee must also consider the fact that the Student did not petition to rewrite the examination until January 25, 2008, after he had received his disappointing results. In light of these circumstances, the majority of this Committee is of the view that there is insufficient evidence to justify granting another opportunity to rewrite the final examination in ECMA04H3.

One member of the Committee is of the view that the Student's situation on December 7 was, in fact, different from his situation on December 11, 13 and 17 because of the proximity in time to his uncle's suicide attempt on December 6. This member would have granted the Student's petition to rewrite the examination.

The appeal is denied.