

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

Report #339 of the Academic Appeals Committee
January 8, 2010

The Academic Appeals Committee reports that it held a hearing on Tuesday December 1, 2009, at which the following were present:

Assistant Dean Kate Hilton, Chair
Ms Min Hee Margaret Kim
Dr. Joel Kirsh
Dr. Chris Koenig-Woodyard
Professor Louise Lemieux-Charles

Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

In Attendance:

Ms H [REDACTED] S [REDACTED] (the "Student")
Professor John Scherk, University of Toronto at Scarborough (UTSC)

I. The Appeal

The Student is appealing the decision of the UTSC Subcommittee on Academic Appeals dated November 5, 2008, denying her an extension of time to write deferred examinations in two 2008 Winter Session courses (EESB03H3 and MAT135Y1).

II. Facts

The Student enrolled at UTSC in the 2005 Fall Session, in an Honours Bachelor of Science program. The Student immediately began to experience serious academic difficulties, such that by the end of her third year of study, she had earned only 3 credits towards her degree and had a cumulative GPA of 0.59. Her record shows a striking number of failed courses, numerous petitions for deferred examinations and three separate suspensions for failure to meet the minimum GPA requirements of her program.

The Student suffers from severe, chronic back pain, which makes it extremely difficult for her to sit for long periods of time. There is significant medical evidence in the Student's file to indicate that her condition has compromised her academic performance throughout her career at UTSC. Although neither the Student nor UTSC could confirm the date, it appears that the Student registered with UTSC Accessibility Services in the 2007 Winter term, and wrote some of her examinations with accommodations. It also appears that she was more successful on examinations that she wrote under the supervision of Accessibility Services than she was under normal examination conditions.

At the end of the 2008 Winter term, the Student was scheduled to write examinations in EESB03H3 (a one-term course at UTSC) and MAT135Y1 (a full-year course at St. George). The Student was unable to write the examinations at the scheduled times due to her medical condition. She petitioned to write a deferred examination in EESB03H3 and MAT135Y1, and these petitions were granted on April 29, 2008 and May 16, 2008 respectively.

The Student was scheduled to write deferred examinations in EESB03H3 and MAT135Y1 in August 2008. At some point prior to the examination dates, the Student realized that she was required to register separately with Accessibility Services on the St. George campus in order to write MAT135Y1 with accommodations. She made two separate trips to the St. George Accessibility Services Office, one to obtain information about the registration and accommodations procedures at St. George, and the other to register. On her second visit, she arrived at the end of the day and learned that it was the last possible day to register with the Accessibility Services Office for the upcoming examination period. Since the office was about to close, the staff member on duty advised the Student to take her forms home and submit them by fax. She did so. Subsequently, she was informed by another staff member that the St. George Accessibility Services Office was not prepared to accept forms filed by fax after the deadline, and that she was not entitled to access any accommodations with respect to MAT135Y1.

The Student experienced a severe (and medically documented) flare-up of her back condition during the period of August 14-19 and was unable to write her examinations in either EESB03H3 or MAT135Y1.

UTSC's calendar states as follows: "If you miss a deferred exam, you may petition for an extension of time to write it; normally no other form of special consideration will be granted. Such a petition will be considered only if you provide compelling evidence of a significant medical or other emergency."

III. Previous Decisions

On August 15, 2008, the Student petitioned for an extension of time to write a deferred examination in MAT135Y1. The Student provided a UTSC Medical Certificate, completed by her treating physician, which stated that she had been unable to write her examinations during the period of August 14-19. The Student also provided a letter from the St. George Accessibility Services Office in support of her petition. The letter indicated that the Student was registered with Accessibility Services, and that she had been advised "not to attempt writing her exam without accommodations." The petition was denied on the basis that the Student had missed the deadline to register for Accessibility Services, and that it was the Student's responsibility to have accommodations in place in time to write her examinations.

On October 8, 2008, the Student petitioned for an extension of time to write a deferred examination in EESB03H3. The petition was denied on the basis that the Student had not

fulfilled her responsibility to have the appropriate accommodations in place in time to write her examinations.

On October 16, 2008, the Student again petitioned for an extension of time to write deferred examinations in EESB03H3 and MAT135Y1. The petition was denied.

On October 28, 2008, the Student appealed to the UTSC Subcommittee on Academic Appeals. The Subcommittee denied the appeal. In its decision, the Subcommittee wrote the following:

You are apparently registered with Accessibility Services at UTSC and at St. George, in order to write exams under their supervision. To do so, you needed to schedule these exams in advance. A letter from St. George Accessibility indicates that you did not register with them before their registration deadline.... On the dates of the deferred exams, you experienced extreme back pain. Without any consultation with either Accessibility Service, you decided not to write the exams.... The university expects students to take responsibility for their own well-being and to make any special arrangements which are necessary to allow them to complete their academic work. The committee judged that you were aware of resources available to deal with your condition but that you did not make appropriate use of these resources. For this reason, your appeal was denied.

On January 9, 2009, the Student appealed to the Academic Appeals Committee of the Governing Council.

IV. Decision

UTSC policy clearly states that a student's petition for an extension of time to rewrite a deferred exam will be considered in a situation where a student has experienced a documented medical emergency. In this case, the Student experienced a severe episode of back pain that was different in degree from the chronic pain she manages on an ongoing basis. The Student sought medical attention from her doctor on the dates of the examinations in EESB03H3 and MAT135Y1, and the doctor completed a UTSC Medical Certificate indicating that the Student was incapable of writing her examinations. This Committee is of the view that the Student did everything that UTSC policy requires, and that, in the circumstances, she should have been granted an extension of time to rewrite her deferred examinations.

The previous decisions in this case turned on the Student's responsibility for registering with Accessibility Services, her failure to secure the accommodations that she required to write her examinations and her failure to notify Accessibility Services when she realized that she was too sick to write her examinations. This Committee is of the view that the Student's responsibility for registering with Accessibility Services or notifying them of her illness is irrelevant to the determination of whether or not she should be entitled to an

extension of time to rewrite her deferred examinations. The Student was ill on the date of her examinations and provided adequate medical documentation in support of her petition. By denying her petition on the basis of her failure to register or communicate with Accessibility Services, UTSC is applying a higher standard to the Student than it applies to UTSC students who do not require the assistance of Accessibility Services. This is neither appropriate nor fair.

This Committee also wishes to note that it was troubled by the portrait of tri-campus Accessibility Services that emerged in the course of this hearing. As experienced by the Student in this case, the three campus-specific Accessibility Offices appear to be poorly integrated with each other and unnecessarily bureaucratic for students who take courses on more than one campus. This Committee accepts as true that the Student attempted to register with the St. George Accessibility Office before the deadline, that she received conflicting information from staff, and that she was extremely confused about the registration procedures at St. George despite the fact that she was already registered at the UTSC Accessibility Office and had written several examinations there. Therefore, had it been necessary to consider the question of whether or not the Student had fulfilled her responsibility to register with Accessibility Services, this Committee would have found that the Student had made best efforts to fulfill her responsibility and should not have been penalized for missing the registration deadline.

The appeal is allowed.