

**UNIVERSITY OF TORONTO**  
**GOVERNING COUNCIL**  
Report #426 of the Academic Appeals Committee  
April 13, 2023

To the Academic Board  
University of Toronto

Your Committee reports that it held an electronic hearing, conducted by Zoom on Friday, March 10, 2023, at which the following members were present:

**Academic Appeals Committee Members:**

Cheryl Milne, Chair  
Professor Jan Mahrt-Smith, Faculty Governor  
Susan Froom, Student Governor

**Hearing Secretary:**

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

**For the Student Appellant:**

Mr. T.S.C. (the “Student”)

**For the Faculty of Applied Science & Engineering:**

Professor Thomas Coyle, Vice Dean, Undergraduate

## **OVERVIEW**

The Student appeals the decision of the Faculty of Applied Science & Engineering’s Academic Appeals Board dated August 25, 2022 denying his request to write a deferred exam in the 2022 Winter Session. The Student had been granted a deferral by the Undergraduate Assessments Committee for the exam schedule on April 25, 2022, in the course MIE100, due to illness but missed the deferral exam and petitioned for a further deferral. The Academic Appeals Board denied an appeal of the decision of the Undergraduate Assessments Committee for the second deferral. The Student claims that the decision granting him a deferral of the April 25, 2022, exam was not communicated to him in time to write the deferred exam held on May 18, 2022. The Faculty claims that the Student was made aware of the date and decision respecting the deferred exam and that the Student indicated that he would not be able to write it because he would not be in the country on that date. The Academic Appeals Board denied the appeal on the basis of insufficient evidence and justification to grant the request.

The Student asks your Committee to grant the appeal and an order allowing him to write a deferred exam, or alternatively, given the time that has elapsed, permitting a reweighted assessment based upon his earlier performance in the course.

## FACTS

The exam period in question was during a period of high incidence of illness due to COVID-19. The Faculty of Applied Science & Engineering communicated clearly to students that if they had symptoms of illness they should not attend their final exam but make an illness declaration and petition for a deferred exam. Due to the high number of deferred exams, the Faculty set aside May 16 – 27, 2022, as the time to schedule all such deferred exams. Information was conveyed about how to petition for a deferred exam with the recommendation that students not come to campus if they have any symptoms. This information was posted on the Faculty website on April 11, 2022 and emails went out to students with the same message on April 19, 2022 and April 25, 2022. Included in these messages to students was the statement,

If you are sick or you are experiencing other extenuating circumstances that you feel will severely affect your performance, do not write your final exam. The Undergraduate Assessment Committee is less likely to grant a petition after a student has attempted the final examination.

The Student is an international student and was in his first year of the Undergraduate Engineering program. He came to campus on April 25, 2022, to write his final exam in MIE100. During the course of the exam, the Student became increasingly ill and left the examination approximately half-way through the allotted time. He submitted a petition to the Undergraduate Assessments Committee that day for a deferred exam. That Committee made a decision to grant the deferral the following day, on April 26, 2022. This was noted by the Student's Academic Advisor, JesusMiracle Chiadika on April 26, 2022, in the Faculty Portal. Due to the volume of deferrals, students were to be advised of deferral decisions by their Academic Advisors through email. The formal written decision of the Committee was not released until May 26, 2022. The deferred exam was scheduled for May 18, 2022.

The Student petitioned for a deferral of the May 18, 2022 exam on May 21, 2022. The circumstances indicated in the Portal state,

I could not appeal for my deferred exam for MIE100 on May 18 as I am not in Toronto. I am filing this petition to seek accommodation for the missed deferred exam. After a series of discussions with my advisor, I was told I would have to file a petition if I am not able to appear for the missed deferred exam. I am filing this petition after my scheduled deferred exam as the nature of the decision on my Final Exam Petition was explained to me after the exam had already begun (the status of that petition states "in progress," which was later explained to me that a no-action decision was taken as my advisor was aware that I would not be able to appear for my scheduled deferred exam since I am not in Toronto.

The Student's submissions to the Undergraduate Assessment Committee for a further deferral were in the form of a Special Considerations Petition because, as he stated, his decision on the original Final Exam petition had not yet been made. He also requested the deferral on the basis that he was out of the country on May 18, 2022, when the deferred exam was rescheduled. The Student was scheduled to leave the country on May 2, 2022 and communicated this to Ms. Chiadika who made a note of this in the Faculty Portal on May 2, 2022. What is not clearly set out in the Faculty Portal is whether the Student was told by Ms. Chiadika that his deferral was approved. The Student maintained in his submissions before the Academic Appeals Board that he was not advised of this decision. He stated that he was advised by email that the decision was "pending" and not yet final. The only evidence provided by the Faculty to counter this was the notation in the Faculty Portal and the fact that the Student was aware of the May 18, 2022, deferred exam date. However, due to the number of students taking deferred exams, this deferred exam schedule was made public to all students.

As a result of questioning by your Committee, it became apparent that there was an email trail between the Student and Ms. Chiadika that might address this discrepancy. The Student provided emails that he said were sent by him and Ms. Chiadika. In an email dated Friday, April 29, 2022 the Student advised her

that he was leaving the country in a couple of days but was seeking advice given that the “final petition result is still pending.” In an email response dated April 30, 2022, Ms. Chiadika states, “Your petition for a deferred exam is still under review, and a decision is yet to be made but I anticipate one being finalized next week.” Emails between the Student and another Academic Advisor named Makasha dated May 18, 2022 indicate that the Student was aware that there was an exam scheduled for that day but that the Faculty Portal still indicated that his petition was “in progress.”

Your Committee provided an opportunity for the Faculty to submit additional evidence of this correspondence as well as the minutes of the Academic Appeal Board hearing to clarify the issues that might have been addressed in arriving at their decision. Professor Coyle forwarded an email from the Faculty’s Registrar confirming that the Academic Appeals Board does not take minutes of the hearing but that the notes kept as the basis for the decision were as follows:

[Student] AAB Hearing Scheduled August 25, 2022:

- Hearing is scheduled from 11 a.m. to 12 p.m.
- Student is admitted in at 11:20 a.m.
- Request to write deferred exam.
- Request: Denied.
- Board reasoning:
  - Not compelling argument.
  - The Board finds that the information provided was not strong enough to grant the appellant’s request.
  - No additional supporting documentation provided by the student.

In addition, Professor Coyle provided the event log from the Advisors Portal related to the petition regarding the April 25 exam. The notations respecting the status of this petition are consistent with the Student’s claim that a final decision had not been communicated to him. Despite the notation on April 26, 2022, that the Student should be granted SDF [Standing Deferred Notation] status was listed as “IN PROGRESS” on April 28, 2022; “REVIEWED PENDING” on May 2, 2022; “REVIEWED COMPLETED” on May 16, 2022; “RELEASE Decision” on May 26, 2022; and “CLOSED” on May 26, 2022. The Portal also indicates that the Student viewed the decision on May 26, 2022. Emails were also provided from the Academic Advisor which confirmed what the Student had previously sent and that he had not been advised of the final decision until May 26, 2022.

## ISSUES

The role of your Committee is to evaluate whether the decision of the Academic Appeal Board upholding the refusal of the second deferral of the final exam was fair and reasonable. In reviewing the decision the following issues are relevant:

1. Was the decision of the Undergraduate Assessment Committee on the requested deferral of the April 25<sup>th</sup> exam communicated to the student in a clear and timely manner?
2. Given the communications from the Faculty respecting the deferred exam, was it reasonable to expect that the student would attend the deferred exam on May 18?
3. Was the Academic Appeal Board’s finding that there was insufficient evidence to grant the appeal of the Undergraduate Assessment Committee’s decision to deny the deferral reasonable?

1. Communication of the Deferral Decision

The Student maintained throughout the process that he was not advised of the decision respecting his initial petition for a deferral of the April 25 exam until May 26, 2022, and therefore was not certain that he would be permitted to write the May 18 deferred exam. While it would have been helpful had the Student provided the Academic Appeal Board with copies of the emails from Ms. Chiadika, the Faculty also provided an incomplete picture by only filing portions of the Portal entries and not the entire Advisors Portal notations. Those notations are inconsistent with the Faculty's position that the Student was clearly advised of the decision to grant the deferral and that he should write the exam on May 18. Those notations are, however, consistent with the Student's submissions that he was only told that a decision was pending. The emails subsequently provided to your Committee and not made available to the Academic Appeal Board confirm this.

## 2. Expectation of Attendance at the May 18 Exam

Despite the lack of clear communication to the Student about the decision to grant the deferred exam, the Faculty maintained that the Student ought to have attended the May 18 exam. While it might have been good advice for the Student's Academic Advisor to tell him to attend, there is no evidence that such advice was given. Rather, the advice given to the Student was simply to petition for another deferral given that he was no longer in the country and could not attend. The Student submits that he was left with the impression that he would be granted a deferral if he left the country. There was nothing to suggest to the Student that such a deferral would not be granted given the unclear communications from the Academic Advisor and the fact that he had not been advised of the decision to grant the original deferral.

The Undergraduate Assessment Committee denied the second deferral petition on the basis that "there was insufficient reasoning for the petition or that the reason stated is not one the Faculty provides accommodations for." The Student stated that he had made his arrangements to fly home in February and that changes at the last minute would be costly. Despite this he maintained that he would have arranged to come back if he was required. The Faculty would not normally accommodate a student's travel arrangements, but it is unclear whether all of the information respecting the communications to the Student were considered. Professor Coyle agreed that in the usual course, where one or two students were granted a deferral, the date of the rescheduled exam would often be more flexible to account for the students' availability. This was clearly not the usual set of circumstances given the incidence of illness during this exam period, but this ought to have been clearly communicated to the Student. The Student made it clear in his petition that in addition to his being out of the country, he was not made aware of the decision to allow him to write the exam on May 18.

It is noted that the general communications to students prior to the final exam period was that a deferral was *less likely to be granted* if the student attempted to write the exam and did not complete it due to illness. It is not reasonable for the Faculty to conclude that the Student ought to have attended this deferred exam without clear communication from the Faculty that he would be permitted to write it. Further the Faculty argued that it was fair to hold the Student accountable for not attending this exam because of the fairness to other students who had been able to make such arrangements. Your Committee notes that the assessment of the fairness of the decision to other students is not relevant to the determination of whether the decision was fair and reasonable for the Student in this appeal.

## 3. Reasonableness of the Academic Appeal Board Finding Respecting the Evidence

The Student presented his case to the Academic Appeal Board by providing a written statement outlining the circumstances for his request for the deferral and the confusion he experienced about whether he was granted the original deferral of the April 25 exam. He referenced communications with the Academic Advisor but did not provide copies of the emails. Your Committee was advised by Professor Coyle that the materials filed by the Faculty on this Appeal including the excerpts of the Faculty Portal were the

materials provided to the Academic Appeal Board. It is difficult to assess the reasonableness of the Academic Appeal Board's finding that there was insufficient evidence given that there is no clear record of what was filed before it and no detailed minutes of the hearing. In any event, it was apparent on the face of the record filed in this Appeal that the Faculty likely had information, including copies of the email correspondence between the Student and the Academic Advisor that was material to their decision. While ideally the Student could have made those available to the Board, your Committee notes that the Student was unrepresented. A few direct questions from your Committee led to some of these emails being made available immediately during the hearing. It is important that the Academic Appeal Board provides the opportunity for all students to understand and meaningfully present their case, regardless of representation.

It is also concerning to your Committee that the material filed by the Faculty in response to the Student's Appeal painted an incomplete picture of the information contained in the Advisor's Portal. Material provided after your Committee's questioning largely confirmed the claim by the Student that he was being told that the original deferral petition was still pending up until May 26, 2022, when he was advised that it had been granted. It is your Committee's conclusion that had the additional emails and Portal notations been made available, the Academic Appeal Board ought to have reached a different conclusion. It was not a reasonable finding that there was insufficient evidence to support the Student's appeal given that the Faculty had access to this material, and Faculty staff had generated Portal notations and emails that were largely confirmative of the Student's claims.

## **DECISION**

The Appeal is allowed. The Student has requested that he either be permitted to write a deferred exam as part of the Winter 2023 final exam period, or to have his grade reassessed based upon his completed assignments in the course during the term. Your Committee recommends that the choice of appropriate remedy is best made by the Faculty, but notes that significant time has passed and suggests that this decision be made as soon as possible in the interests of the Student.