

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

Report number 301 of the Academic Appeals Committee

July 8, 2005

Your Committee reports that it held a hearing on Friday, June 24, 2005, at which the following were present:

Assistant Dean Kate Hilton, Chair
Dr. Pamela Catton
Professor Clare Beghtol
Professor Yuki Johnson
Mr. Ari Kopolovic

Mr. Anthony Gray, Judicial Affairs Officer

In Attendance:

Ms. G. S. (the "Student")
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 September 19, 2003, which denied the Student's petition to submit late work in three courses (GGRB20HS, IDSB02HS and ANTC61HS). In addition to her original request that your Committee grant her petition to submit late work, the Student filed a subsequent request for amended relief. In her amended materials, the Student requested an alternative remedy of withdrawal without academic penalty in all three courses, in light of the fact that two years had passed since the original petition was filed.

Facts

The Student transferred to the University of Toronto at Scarborough (UTSC) from York University in September 2001, and enrolled in the major program in International Development Studies and Society and the Environment. At the end of the 2001-2002 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.

During the fall term of 2002-2003, the Student experienced some difficulties with her health, and she petitioned for an extension in three of her courses. The petition was granted, and the Student met the extended deadline for the outstanding course work. During the winter term, the Student experienced further periods of illness between January 31 and February 10, and again between March 10 and March 26. On April 3, the Student fell on the stairs and suffered a serious back injury.

The Student did not complete her course work in GGRB20HS, IDSB02HS and ANTC61HS. She received a failing grade in all three courses and was placed on a one-year academic suspension at the end of the 2002-2003 academic year due to her probationary status in combination with her low annual and cumulative GPA.

Previous Decisions

The Student's illnesses and accident gave rise to a series of petitions. In March 2003, the Student petitioned for an extension on a term assignment in ANTC61HS (due on February 4). She was informed that she should approach the professor directly about an extension while the course was still in progress. She received an extension from the professor and completed the assignment within the allotted time.

In May 2003, the Student made the petition that is the subject of this appeal; namely, that she be granted an extension of time to complete the major assignments in three of her courses: ANTC61HS (a final essay worth 40%), GGRB20HS (an annotated bibliography worth 35%), and IDSB02HS (a final essay worth 35%). The petition was denied on the grounds that the medical evidence was insufficient to warrant the relief being sought by the Student. In particular, the medical documentation provided by the Student referred to the period of illness from January 31 to February 10 and to the back injury of April 3, but did not refer to the period of illness from March 10 to March 26 (the period in which the assignments in question were due).

In June 2003, the Student petitioned for permission to rewrite two of her final examinations, on the grounds that her back injury had impaired her performance. Her petition was successful.

On August 11, 2003, the Student submitted another petition renewing her request (the subject of the May petition) for an extension of time to submit course work in ANTC61HS, GGRB20HS, and IDSB02HS. At the top of the petition form, she wrote: "This is my new petition with proper medical certificate." She attached a University of Toronto Student Medical Certificate, dated June 10, 2003 and signed by Dr. Andrew Chung, the Student's family physician. The Medical Certificate addressed the period of March 10-26, 2003, and described the Student as suffering from "irritable bowel syndrome" with symptoms of "recurrent abdominal pain & diarrhea/vomiting". The Medical Certificate states that during this period, the Student required "bed rest, fluid and medication" and that her symptoms "prevent her to do [sic] her school work/tests".

On August 12, 2003, the Student filed a final petition addressing the same issues as the August 11 petition, including a University of Toronto Student Medical Certificate, dated April 15 and prepared by Dr. Chung. This Medical Certificate addressed the back injury sustained in April, and noted that the Student had been unable to write examinations as a result of the injury. The August 11 and 12 petitions were denied on the basis of still unsatisfactory medical documentation and the fact that they were submitted after the deadline (last day of the April/May exam period).

On September 2, 2003, the Student appealed the denial of her petitions of August 11 and 12 to the UTSC Sub-committee on Academic Appeals.

On September 19, 2003, the UTSC Sub-committee on Academic Appeals denied the appeal. The Sub-committee found that the Student had received sufficient accommodation in the form of extensions for her illness and injury. The Sub-committee was not persuaded that the Student's medical problems were severe enough to prevent her from completing her major assignments, and they noted that the Student had successfully completed a fourth course during the semester in question. The Sub-committee noted that the Student should have realized that she would have difficulty completing her term work, and should have taken steps to lighten her course load. Finally, the Sub-committee suggested that the Student was "inappropriately relying on the petitioning process to deal with the problems she was encountering".

On December 17, 2003, 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 allowed.

The outstanding writing assignments in ANTC61HS, GGRB20HS, and IDSB02HS were due on March 25, March 25 and March 18, respectively. Much of the testimony before the Committee focused on the Student's illness in late March, 2003, and the extent to which it had prevented her from meeting the essay deadlines in her courses.

During the hearing, the University argued that there was inadequate medical evidence to support the Student's position that she was too ill to work on her assignments for the period of March 10-26. In particular, the University pointed out that Dr. Chung's medical records for the relevant period show visits to the doctor's office on February 25 and March 31, but no visits in the intervening weeks. The University took the position that the Medical Certificate dealing with the period of March 10-26 was not reliable, because it was prepared long after the illness and was not submitted as part of the original petition. The University also argued that the Student could not have been too ill to work, as she managed to complete the assignments in her fourth course, ISTB01Y3.

In response, the Student stated that her family physician, Dr. Chung, had been away for some period of time in March. In Dr. Chung's absence, the Student had visited a walk-in clinic, and had also visited Dr. Khan, who was covering Dr. Chung's practice. The Committee reviewed notes from the Student's visit to Dr. Khan on March 31, 2003. Dr. Khan's notes indicate that the Student had been ill for four days prior to her appointment, that she had experienced dizziness and abdominal pain, that she had visited the emergency room, and that she had fainted several times. With respect to ISTB01Y3, the Student explained that the evaluation in the course was based on group work, and that the

other members of her group had stepped in to help her when she was unable to participate.

Your Committee agrees that the medical evidence offered by the Student for the period of March 10-26 is incomplete. However, your Committee found the Student's testimony to be credible, and it accepts that the Student suffered from a significant abdominal illness in March, 2003. Your Committee also accepts that the Student sought medical attention for her condition during this period of illness. Consequently, your Committee accepts the contents of the Medical Certificate dated June 10, 2003, and finds that it constitutes adequate medical documentation for the purposes of this appeal.

The University argued that the Student should have taken steps to lighten her course load prior to the "drop date" of March 9, since the Student was already on academic probation at that time and knew that she could not afford to fall behind in her course work. The University also expressed concern that the Student had been given special consideration on a number of occasions and that further accommodation might endanger the integrity of the University's standards.

It is clear that the University provided significant accommodation to the Student throughout the 2002-2003 academic year. However, your Committee finds that the Student's situation was not sufficiently serious by March 9 that it should have prompted her to withdraw from one or more courses. Indeed, your Committee finds that while the Student had obtained one extension earlier in the term, by March 9 she was keeping up with her work and had a reasonable expectation that she would complete all of her courses on schedule.

An additional issue was raised in the course of the hearing. The University's materials indicated that, in IDSB02HS, there was a second piece of work outstanding: a "reading review" worth 10% of the final grade. This appears to have been a mistake on the part of the instructor. The Student produced evidence that she submitted all three reading reviews in the course and received marks of 75, 79 and 94, respectively. Your Committee finds that the University should amend the Student's record to reflect this fact, if it has not already done so.

The Student submitted an amended petition for relief, requesting that your Committee allow her to withdraw from all three courses without academic penalty, rather than to submit late work (her original request). Your Committee finds that it is not appropriate to allow the Student to withdraw without academic penalty. However, your Committee is of the view that the Student should be permitted to submit late work in GGRB20HS, IDSB02HS and ANTC61HS.

Within ten business days of the date of release of this decision, the Student shall notify Associate Dean Nick Cheng, or if he is not available, the UTSC officer empowered to act in his place (his "designate"), as to whether or not she wishes to submit late work in any or all of GGRB20HS, IDSB02HS and ANTC61HS. In default of timely notification, the Student shall be deemed to have elected to accept failures in these three courses. Your

Committee understands that the Student has completed assignments for one or more of these courses that are ready to be submitted. If the Student elects to submit late work in a course for which she has a completed assignment, it shall be submitted to Associate Dean Cheng or his designate within twenty business days of the date of release of this decision. If reasonably feasible, the assignment should be marked by the instructor who offered the course in the 2002-2003 academic year. If it is not feasible to have the assignment marked by the instructor who offered the course in 2002-2003, Associate Dean Cheng or his designate shall request the assistance of another instructor in the area who can provide a fair assessment of the Student's work.

If the Student elects to submit late work in a course for which she does not have a completed assignment, within ten business days of the date of release of this decision she shall notify Associate Dean Cheng or his designate that she requires a new assignment to be set. The University shall have ten business days from the date of such a notification to provide the Student with a new assignment (which may be the same assignment that was originally given to the student in 2002-2003, if the University deems it appropriate). Within twenty business days of having received the new assignment, the Student shall submit the completed work to Associate Dean Cheng or his designate. If reasonably feasible, the new assignment should be both set and marked by the instructor who offered the course in the 2002-2003 academic year, based on the course content as it then existed. If it is not feasible to have the assignment set or marked by the instructor who offered the course in 2002-2003, Associate Dean Cheng or his designate shall request the assistance of another instructor in the area who can set an appropriate assignment and provide a fair assessment of the Student's work.

The appeal is allowed.

Anthony Gray
Secretary

Kate Hilton
Chair