

UNIVERSITY OF TORONTO GOVERNING COUNCIL

Report #325 of the Academic Appeals Committee
April 18, 2008

To: The Academic Board,
University of Toronto

Your committee reports that it held a hearing on Monday February 25, 2008, at which the following were present:

Ms. Kate Hilton, Chair
Mr. Arya Ghadimi
Professor Glen Jones
Dr. Louise Lemieux-Charles
Professor Michael Marrus

Ms. Nancy Smart, Judicial Affairs Officer

In Attendance:

Mr. F. Z. (the "Student")
Mr. Steven Frankel (Representative for the Student)
Professor John Scherk, Interim Vice-Dean, UTSC
Ms. Sherylin Biason, Registrar, UTSC

The Appeal

The Student is appealing the decision of the UTSC Sub-Committee on Academic Appeals, dated April 11, 2007, which denied him permission to write a deferred exam in the 2006 Fall Session course ECMA04H3F. In his appeal before this Committee, the Student renewed his original request for permission to write a deferred exam. In his submissions, he offered two alternative remedies for the Committee's consideration in the event that the Committee did not decide to allow him to write a deferred exam: first, that he be allowed to write a deferred exam with a 15% grade reduction; and second, that he be allowed to withdraw from ECMA04H3F without academic penalty on the basis of non-attendance.

Facts

The Student entered Canada in May, 2006 from Beijing, China as a student in the Green Path Program at UTSC. The Green Path Program provides intensive English language training to international students entering a four-year undergraduate program. Following this summer ESL program, the Student enrolled in the Honours Bachelor of Science Program at UTSC in the 2006 Fall Session. His 2006 Fall course load included ECMA04H3F.

Students in ECMA04H3F were evaluated according to their performance on two term tests and a final examination. The terms tests were worth 20% and 30% respectively, and the final exam was worth 50%. However, if a student in the course failed to write either of the term tests, for any reason, the weight of that term test was automatically added to the final exam.

The Student stated that he felt he would be able to achieve a higher grade in ECMA04H3F if he had more time to prepare. He therefore decided not to write either of the two term tests. Consequently, his final examination was worth 100% of his overall grade in the course. The examination was scheduled for Saturday December 9, 2006, from 9:00 a.m. to 12:00 p.m.

The night before the examination, the Student became ill with a fever of 39°C. On the morning of the examination, the Student still had a fever and determined that he could not write the examination. The Student took the bus to the UTSC Health and Wellness Centre in order to see a doctor and to obtain a medical certificate. However, when he arrived, he discovered that the Health and Wellness Centre was closed for the weekend. The Student then attempted to seek medical attention off-campus, but discovered that he could not access free medical care without the University Health Insurance Plan (UHIP) card issued by the University to international students. The Student did not have a UHIP card. The Student was convinced that the cost of accessing medical services without a UHIP card would be prohibitive. The Student therefore returned home and rested. The following Monday, he returned to the Health and Wellness Centre to obtain a medical certificate. However, by this time, the Student had recovered and was no longer showing symptoms of illness. He was therefore unable to obtain a medical certificate to verify his illness.

On January 4, 2007, the Student petitioned for a deferred examination in ECMA04H3F. The petition was denied, and he received a grade of zero in the course. On March 26, 2007, the Student filed an appeal with the UTSC Subcommittee on Academic Appeals. His appeal with respect to ECMA04H3F was denied. The UTSC Subcommittee relied on the UTSC policy in relation to medical documentation, which states: “Medical documentation for examinations missed because of illness must be obtained on the day of the examination whenever possible.” The UTSC Subcommittee did not accept that the Student had made best efforts to acquire medical evidence in support of his illness. It stated that the Student ought to have known that he needed a UHIP card, but that he had neglected to acquire one. Moreover, the UTSC Subcommittee stated that the Student should have done further investigation into the cost of obtaining medical services without a UHIP card. Finally, the UTSC Subcommittee noted that, having failed to write either of the two term tests, the Student was aware that his entire grade rested on the final exam. In light of this, the UTSC Subcommittee stated: “If, for any reason, the exam could not be written at that time, it was your responsibility to obtain solid documents to justify the event.”

On July 10, 2007, the Student appealed to the Academic Appeals Committee of Governing Council.

Decision

This Committee is of the view that the appeal should be allowed, and that the Student should be permitted to write a deferred examination in ECMA04H3F.

This Committee accepts the evidence of the Student that he made best efforts to obtain medical documentation on the day of the examination. This Committee finds that the Student had a reasonable expectation that he would have access to the Health and Wellness Centre on the day of his examination, although the examination was scheduled for a Saturday. While this Committee agrees that it was the Student's responsibility to obtain medical documentation, this Committee finds that the Student discharged his responsibility to the extent possible in the circumstances. This Committee also agrees with the UTSC Subcommittee that it is not desirable for students to concentrate the full weight of their grade on a final examination. However, since UTSC permits students to select this option, there is no basis for insisting that a student who misses an examination worth 100% of his grade has a greater responsibility to provide "solid documents to justify the event" than a student who misses an examination worth less than 100% of the final grade.

Having determined that the Student should be permitted to write a deferred examination in ECMA04H3F, it was not necessary for this Committee to consider either of the alternative remedies proposed by the Student.

The appeal is allowed.