

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

Report #326 of the Academic Appeals Committee
July 2, 2008

To: The Academic Board,
University of Toronto

Your Committee reports that it held a hearing on Thursday June 19, 2008, at which the following were present:

Assistant Dean Kate Hilton, Chair
Professor Joel Kirsh
Professor Michael Marrus
Mr. Alexandru Rascanu
Professor Anthony Sinclair

In Attendance:

Ms. A. S. (the “Student”)
Professor Susan Howson, Vice-Dean, Undergraduate, Faculty of Arts and Science (the “Faculty”)
Ms. Elaine Ishibashi, Associate Faculty Registrar, Faculty of Arts and Science
Ms. Sari Springer, Counsel for the Faculty of Arts and Science
Ms. Nancy Smart, Judicial Affairs Officer
Ms. Mette Mai, Office of the Governing Council

The Appeal

The Student is appealing the June 18, 2007 decision of the Academic Appeals Board of the Faculty denying her request for an extension of time to submit term work in HIS343Y, POL214Y and POL354Y.

Facts

The Student enrolled at Victoria College in an Honours Bachelor of Arts program (History and Political Science) in September 2003.

In the academic year 2005-2006, the Student’s third year of study, she was enrolled in a full course load which included HIS343Y, POL214Y and POL354Y. The course requirements in each of HIS343Y, POL214Y and POL354Y included a mid-term assignment, worth 25 percent of the final grade. These assignments were due on March 15, 2006, February 28, 2006 and February 13, 2006, respectively. The course descriptions for each course made it clear that late work would be subject to a penalty.

According to the Student, at some point between February 7 and February 10, 2006, the Student’s brother became ill with an infection. The Student stated that she was very involved

with her brother's care, and that she was required to stay up at night with him in order to administer medicine and to prevent sleep-walking. Because of her brother's illness, the Student requested and received an extension of time to submit the mid-term essay in POL354Y; the due date was extended from February 13 until February 17. The Student stated that she then became ill for a period of several weeks, and consequently failed to submit the mid-term essays in HIS343Y, POL214Y and POL354Y.

The Faculty's calendar clearly states: "The University of Toronto Student Medical Certificate must be submitted in support of a request for an exemption from Faculty regulations, if illness is being used as the reason for the request." However, the Student was unable to provide the medical documentation required by the Faculty in such cases. She received a failing grade in all three courses.

Preliminary Motion

At the beginning of the hearing, the Student brought a motion to exclude evidence of several petitions, mentioned briefly in the Faculty's submissions, on the basis that these petitions were not at issue in the present case. She also brought a motion to introduce evidence of academic performance (an updated statement of grades from ROSI) and character (a reference letter in support of her participation in a UNDP internship program). It was decided that all evidence would be considered by the panel, and that the Chair would instruct the panel with respect to the relevance of the evidence and the weight to be given to it.

Previous Decisions

On May 4, 2006, the Student petitioned the Faculty's Committee on Standing for an extension of time to submit term work in HIS343Y, POL214Y and POL354Y. In support of her petition, the Student provided two pieces of medical documentation. The first, an official University of Toronto Medical Certificate, was dated February 15, 2006. This certificate stated that the Student's younger brother had become ill on February 12, that he "was sick at home with fever and a cough" and that the Student "was helping to look after him." The second piece of medical documentation was a note written on a prescription pad, dated February 20, stating only: "This is to confirm that [the Student] was in my office on Feb 17/2006."

The Committee on Standing issued three separate decisions (one for each course) dated June 30, August 9 and August 17, 2006. All three petitions were denied on the basis of insufficient medical documentation.

On September 19, the Student appealed a second time to the Committee on Standing, providing further details about her illness during the months of February and March, 2006. The Student stated that she became ill with the flu while caring for her brother, and went to see her doctor on February 17, 2006. This illness continued for several weeks, but she did not return to see her doctor until March 16, 2006, at which time she was suffering from a sore throat and fatigue. In support of her appeal, the Student provided one new piece of medical documentation: a note written on a prescription pad, dated August 22, 2006. The note read: "This is to confirm that [the Student] came to my office on March 16/2006 with a medical illness."

On December 15, 2006, the Committee on Standing denied the Student's appeal. The decision stated:

You have not followed the required procedures for seeking extensions of time during the session and have not provided an acceptable medical certificate that clearly establishes that you were seriously ill prior to the deadlines or afterwards....The medical documentation should be written by a physician who can confirm that you were treated at the time of your illness, and can provide reliable information about the onset of an illness, its course and its effect on your ability to complete your course work.

On March 2, 2007, the Student appealed to the Faculty's Academic Appeals Board. In her submissions, the Student stated that she "was very ill for about 4 weeks" in February and March of 2006. She stated that she sought medical help twice during her illness, on February 17 and March 16, but did not think to ask for a medical certificate at the time. She stated that it was against her physician's policy to provide a medical certificate after the fact, and that he could only confirm that she had visited his office.

On June 18, 2007, the Academic Appeals Board denied the appeal, indicating that the Student had not offered "any new or compelling information" that would have allowed the panel to overturn the decision of the Committee on Standing.

Decision

The Faculty's policies relating to the provision of medical documentation are clearly stated in the calendar and set expectations for students that are appropriate in light of the Faculty's responsibility to uphold high academic standards. The question before this Committee is whether or not an exception should be exercised in this case because of compelling and unusual circumstances.

In the present case, the Student argues that she was so ill from mid-February until mid-March that she was unable to submit three separate essays, due February 17 (extended due date), February 28 and March 15. However, there is no independent medical evidence to confirm the Student's account. As stated earlier, there is a University of Toronto Medical Certificate, dated February 15, 2006, that confirms her younger brother's illness between February 12 and 15. In addition, there is a note, dated April 30, 2008, that states: "This is to confirm that [the Student] was up at nights helping to look after her sick younger brother, who had an infection in mid-February 2006, and therefore she was unable to hand in 2 assignments on time at that time." With respect to the Student's own illness, we have a note confirming the Student's presence in the doctor's office on February 17, and a note confirming that the Student visited the doctor's office on March 16 "with a medical illness". There is no independent confirmation of the Student's illness between February 17 and March 16, and no indication in the existing medical notes that the Student required accommodation to complete her assignments.

The majority of the Committee is of the view that there are no exceptional circumstances in this case that would justify the setting aside of University policy. Consequently, the majority of the

Committee believes that the decision of the Faculty's Academic Appeals Board is reasonable, and should be upheld.

One member of the Committee is of the view that an exception to University policy should be made, based on the oral evidence provided by the Student.

The appeal is dismissed.