

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 107 OF THE ACADEMIC APPEALS BOARD

June 11th, 1987

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a hearing on Tuesday, June 11th, 1987 at 1:00 p.m., in Room 201, School of Graduate Studies, 65 St. George Street at which the following were present:

Professor J. B. Dunlop (In the Chair) Mrs. J. R. Randall
Professor F. Flahiff
Professor K. S. Pang Ms. Irene Birrell, Secretary
Mr. D. Power

In Attendance:

Mr. S.
Ms. L. Harmer, Downtown Legal Services
Dean J. J. B. Smith, Faculty of Arts and Science
Professor H. Mason, Registrar, New College

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

At a meeting on June 11th, 1987 the Academic Appeals Board heard the appeal of *M.F.S.* from a decision of the Academic Appeals Board of the Faculty of Arts and Science dismissing his appeal to be permitted to write the final examinations in CHM 240Y and STA 222Y either at the end of the 1986-87 winter session or in the 1987 summer session. The result was that the appellant failed both courses and was suspended. The decision of the Board is that the appeal should be allowed and the appellant should be permitted to write the two examinations in the 1987 summer session.

The appellant had taken the courses during the academic session 1985-86 but had been unable to complete them due to illness and had been given permission to write the examinations in the summer session of 1986. He had been informed that the date of the statistics examination would be August 6th, a date prior to the regular examination period. It was not clear why the examination should have been held outside the normal period, a course the Board understood to be permissible only in special circumstances, but the Board was told that this was a common occurrence in the particular course. In any event the appellant did not write the statistics examination and admitted that he had forgotten about having been given this date. He had assumed that the examinations in both subjects would be held during the regular (later) examination period. When he looked at the regular examination timetable it was brought home to him that he had missed the statistics examination. In the event he did not write the chemistry examination either. Nor did he file his petition to be allowed to have still another opportunity to write the two examinations until after the end of the examination period.

The regulations of the Faculty of Arts and Science require that all petitions be filed by the end of the examination period but, of course, in extenuating circumstances this rule may be relaxed. Extenuating circumstances may also justify granting a candidate another opportunity to write missed examinations. It was the appellant's contention before this Board that illness had affected his ability to write the examinations and explained, as well, his failure to file his petition on time.

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The medical evidence before this Board was that the appellant had been under treatment for severe migraine headaches from 1984 until 1986 and that he had experienced an episode that incapacitated him from August 3rd, 1986 to August 12th, 1986. Thus he claimed, he would have been unable to write the statistics examination even had he remembered the date. He testified that he had recovered sufficiently to write a third examination, PSY 100Y, on the evening of August 12th but that he then left the city on the morning of August 13th to have a holiday in Georgian Bay without having done anything about filing a petition. His first attempt to deal with the matter was made on his return to the city on August 26th although the examination period had ended on August 15th.

Clearly there is justification in terms of administrative convenience for time limits on filing petitions, but where they are as brief as the one in question and as harsh in their consequences, this Board believes that a lenient view should be taken of what constitutes extenuation, at least where the delay is short as the one in this case.

There was no argument about the validity of the appellant's medical circumstances. The evidence consisted of letters from a medical doctor who had treated the appellant for two years and a doctor of chiropractic to whom the appellant had turned when medical treatment had seemed ineffective and who certified the episode of August, 1986. There was also, of course, the oral evidence of the appellant himself. The Board is unaware what precise evidence was before the Faculty's Board, but it is in the nature of the University appeals process that, because no transcript of evidence is maintained by divisional appeals bodies, the evidence heard by this Board must be de novo and may well differ from that heard by the previous appeal body. Thus no criticism of that body's decision is implied by a different conclusion.

It is the Board's view that the appellant's illness justified his being given another opportunity to write the examinations in CHM 240Y and STA 222Y even though he might not have remembered the date of the latter if he had been well, and while his illness did not prevent him from taking the PSY 100Y examination, it could have impaired his judgment and made him sufficiently anxious to get away for a rest that he did not take the sensible step of indicating to his College registrar, at least by means of a telephone call, that he intended to launch a petition. No prejudice has been suffered by the Faculty as a result of the relatively short delay. The appellant did take action promptly once he had regained his health. Thus the Board's view is that he should have another opportunity to write the two examinations in the summer session of 1987. Whether this is the wisest course for him to pursue in light of the time lapse since he took the courses is not for the Board to say.

The appeal is allowed and the appellant is granted permission to write CHM 240Y and STA 222Y in the 1987 summer session.

Appeal allowed.

Secretary
July 29th, 1987

Chairman