

UNIVERSITY OF TORONTOTHE GOVERNING COUNCILREPORT NUMBER 115 OF THE ACADEMIC APPEALS BOARDFebruary 1st, 1988

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a hearing on Monday, February 1st, 1988 at 2:00 p.m., in the Board Room, Simcoe Hall, at which the following were present:

Professor J. B. Dunlop (In the Chair)
Professor F. Flahiff
Ms. K. Pearson
Mrs. J. R. Randall
Professor J. Slater

Ms. Irene Birrell, Secretary

In Attendance:

Mr. *S.* appellant
Ms. Rgy Rubin, Downtown Legal Services, counsel for the appellant
Vice-Dean R. Craig Brown, Faculty of Arts and Science

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

At a meeting on February 1st, 1988, the Academic Appeals Board heard the appeal of *M.R.S.* from the decision of the Academic Appeals Board of the Faculty of Arts and Science denying his request to be allowed, on medical grounds, to rewrite the final examination in CHM 240Y. While recognizing that the appellant was "labouring under extreme disability at the time of the examination" the Faculty Board found the appellant's delay - well beyond the deadline - in filing his petition "difficult to comprehend." It was not prepared to ignore the failure to comply with the procedural requirement. This Board agrees with the view that procedural requirements are important and cannot be ignored. On the evidence heard by this Board, however, it felt that there were grounds for allowing the appeal.

There is no dispute about the fact that the appellant was unwell and in considerable pain at the time he wrote the CHM 240Y examination on August 11th, 1987. However, the Faculty Board found it "absolutely inexplicable that [he] did not make [his] condition known to the supervisors or [his] Registrar, and seek advice." The appellant told this Board that, having taken the summer off to do the course, the misfortune that befell him at the crucial moment was so distressing that he did not do the "rational thing" and tell the proctor. He felt that it was too late to back out and that he should attempt to pass the exam. Subsequently he was so depressed that he did nothing until after he had returned to his home in Sarnia.

The CHM 240Y exam was held on a Tuesday. The examination period ended on Friday, three days later. Thus by the time the appellant left for home on Saturday the deadline had passed. He telephoned the Registrar's office on Monday, three days beyond the deadline but the first business day. He was informed that the deadline had passed. He learned of his failure on August 31st and filed his petition on September 21st.

A petition deadline falling on the last day of an examination period strikes the Board as verging on the Draconian. The student who knows well in advance that he or she will not be able to write an examination may have ample opportunity to comply. So may the student whose examination falls early in the examination period, although this is less true of the short summer period. But the student who writes late in the period has little time to assess the situation, possibly seek advice and still meet the deadline. The Board has never quite understood the need for such a rigorous policy. Hence the Board feels that a liberal view of extenuating circumstances is justified, especially since the Board believes it to be common for petitions filed shortly after the deadline to be "backdated."

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This evidence was what persuaded the Board that, even though the appellant had petitioned on other occasions and was thus to some degree familiar with the process, his failure to act on the Monday was excusable. The Faculty Board agreed that the delay from August 31st to September 21st was not undue and this Board could understand the appellant waiting until after he had learned his mark. It may be unrealistic, but one frequently hopes for the best in such circumstances.

There was reference during the hearing to the fact that examination books contain instructions that include the deadline for petitions. While this is something that should be seen by all candidates, it seems to the Board worth considering bringing it expressly to their attention by an oral statement.

The Board's decision is that the appellant should have the opportunity of writing the final examination in CHM 240Y at the spring examinations in 1988.

Appeal allowed.

Secretary
March 3rd, 1988

Chairman