

Report Number 177 of the Academic Appeals Committee

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 177 OF THE ACADEMIC APPEALS COMMITTEE

July 5th, 1994

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Tuesday, July 5th, 1994 at 2:30 p.m. in the Flavelle Room, Faculty of Law, 78 Queen's Park Crescent at which the following were present:

Professor David Beatty, Acting Chairman
Ms Patti Cross
Ms Peggy Haist
Professor John Mayhall
Professor Kenneth Shulman

In attendance:

Ms G.F., the appellant
Ms Gillian Shaw, Downtown Legal Services, counsel for the appellant
Professor Michael Donnelly, Associate Dean, Faculty of Arts & Science

Ms G.F. has appealed to the Academic Appeals Committee of the Governing Council a decision of the Academic Appeals Board of the Faculty of Arts and Science which denied her petition to rewrite the final exam in MAT 125S which she took in April 1993. Ms G.F. has requested that she be allowed to rewrite the exam in MAT 125S because, she claims, she was seriously distracted by a series of upsetting and emotionally disturbing events in her personal life which caused her to perform much more poorly than she otherwise would.

For its part the College made no attempt to question the personal problems faced by Ms G.F. at the time she wrote the exam in MAT 125S. The position of the academic Appeals Board was essentially that Ms G.F. filed her request to rewrite her exam after the deadline for such petitions had passed and only after she had received her marks and the Board found that there was no compelling reason why an exception should be made in her case. Indeed, the Board was confirmed in its view because Ms G.F. was able to follow the rules regarding the filing of petitions with respect to her exam in CHM 135Y which she wrote three days after her exam in MAT 125S. From its perspective, waiting until she discovered she had not done as well as she had expected violated both the spirit and purpose of the rules for filing petitions and would be unfair to other students who had complied with their terms.

After giving the matter its careful attention the Committee is of the view that Ms G.F. is entitled to succeed in her appeal. In our opinion, the circumstances surrounding her writing of MAT 125S and her failure to file her petition within the time set by the rules were both unusual and extreme and warranted an exception being made in her case. On the evidence before the Committee, there can be no question that the circumstances which prevailed in her personal life at the time she wrote the exam in MAT 125S adversely affected her performance. Where as her two mid-term grades were 84% and 95%, she only received 54% in her final exam. On her own evidence, after she received her final grades and was able to review her exam, she realized that she had committed numerous mistakes of carelessness and inattention.

What makes Ms G.F.'s case really quite exception and not a threat to the integrity of the deadline and the College's rules is that she can point to a very compelling reason as to why she did not advert to the personal stress in her life and file her appeal in time. As she outlined in her statements of June 23 and 30, 1993, until she received her final grades she had no idea she had done as badly as she had. Initially she thought there must have been some mistake in the marking of her exam and it was not until she had a chance to review her answers that she realized how seriously the personal events in her life had compromised her ability to concentrate and do first class academic work. Until that time, she was under the impression that she had performed at the same level as on her mid term tests, especially since there was considerably overlap between the material that was tested on the final and the two mid term exams.

The fact that Ms G.F. was able to adhere to the rules for filing petitions three days later when she wrote her exam in CHM 135Y suggests to us that her explanation as to why she did not meet the deadline in filing a petition in MAT 125S is in fact both credible and reasonable. When she wrote CHM 135 Y she was physically ill and was quite conscious of the impact it could have on her final results. In those circumstances she had no difficulty meeting the deadline. However, the fact that she complied with the rules when she realized her performance might be adversely affected by reasons beyond her control can hardly be used against her when, in completely different circumstances, she had no reasonable basis for thinking she had any grounds for filing a petition. When she wrote her MAT 125S exam she was not physically ill and had no reason to think she had not done well. As noted above, her mid term marks were very strong and much of the final exam covered the same ground that was included in the mid-term tests. In the circumstances in which she found herself at the time she wrote her MAT 125S exam, to insist that she file her petition before she was aware of what impact the personal trauma in her life had on her performance would be to ask her to act the clairvoyant; to do the impossible.

We agree with Michael Donnelly that fairness inheres in the observance of rules like those governing the filing of petitions but for reasons we have given, we do not believe the underlying purpose of the rule is threatened in this case. In the usual case when external circumstances (like an illness) prevent a student from performing up to his or her ability, the student is quite conscious of the adverse consequences which are likely to follow. Ms G.F.'s situation is a very unusual and exceptional case precisely because it was quite reasonable for her not to anticipate she had done so poorly in her exam even though, in her personal life, she was being subjected to a series of events which undeniably caused her extreme anxiety and distress.

In the result and for the reasons given, this appeal is allowed.

Secretary

Professor David Beatty
Acting Chairman

July 5th, 1994