

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 192 OF THE ACADEMIC APPEALS COMMITTEE

July 18th, 1995

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Tuesday, July 18th, 1995 at 9:30 a.m., in the Flavelle Room, Faculty of Law, 78 Queen's Park Crescent, at which the following were present:

Ms J. Lax, Acting Chair
Professor B. F. Brown
Professor J. T. Mayhall
Professor R. Pike
Mr. A. Teekasingh

Ms S. Girard, Governing Council Secretariat

In attendance:

Ms J.F., the appellant
Ms M. Gerrard, Associate Registrar, Scarborough College

This appeal concerns a student who missed a final examination. Her petition to sit a special examination in the 1993 winter session course FSL102S was denied by the Sub-committee on Standing. An appeal to the Sub-committee on Academic Appeals of Scarborough College was unsuccessful.

The following extracts from the Scarborough College Calendar are relevant to this appeal:

Procedures for Requesting Special Considerations, Petitions and Appeals.

Petition for Exceptions to the Academic Regulations

3. Students who wish to submit medical certificates in support of their petitions must ask their physician:
 - to verify that the student was examined at the time of the illness;
 - to state the degree of disability involved;
 - to indicate the duration of the debility caused by the illness; and
 - to indicate the physician's professional opinion as to whether the student should receive special consideration with his or her academic work on medical grounds.

Report Number 192 of the Academic Appeals Committee

and drove me home. I could not write my exam on that evening. If you have further question, please call my Dad. I should also mention that I went to see a doctor that day and I gave you his note in which he emphasizes that I was unable to write my exam.

By letter dated June 17, 1994, the Sub-committee on Standing wrote again,

requesting a medical certificate which indicates the extent and duration of the debility caused by your illness, which gives your doctor's professional opinion of the effect your condition would have had on your ability to sit an examination on 28 April, 1994, and which indicates if the illnesses which have caused [sic] you to miss examinations in three of the last four examination periods are related...

The letter clearly stated that should the information not be forthcoming by July 5, no consideration would be given to her petition.

On June 23, 1994, the appellant came into the Registrar's Office. She indicated that she did not think it necessary to provide additional medical information as the medical note she had previously provided was perfectly clear. She wanted simply to write a letter. She was informed that this would not be sufficient. On this day, she was accompanied by a person whom she said was the one who had driven her to the doctor on the day of the examination. The person was a friend or possibly her brother. In her letter of June 2, she had written that it was her father who took her to the doctor on that day.

Ms J.F. did not provide additional medical documentation at that time. Instead, she wrote a letter which was received in the Registrar's Office on July 4, 1994. It states in part:

I emphasize that I do not have any continuing health condition which affect my ability to meet my responsibilities as a student. My illness on April 28, 1994 is totally unrelated to my previous inability to write my Physics exam. It was just a big unfortunate coincidence. I vomited in the bus and my friend in the bus helped me to call my parents that is why I was unable to write my exam in the afternoon of that day and believe me I am not happy about it. I hope it will never happen to me again. Now I am a healthy individual and trying my best in my academic work.

On July 18, 1994, the secretary informed Ms J.F. that she had not provided adequate documentation supporting her claim and that her petition to sit a special examination was denied.

On July 27, 1994, Ms J.F. submitted another medical note from Dr. Hadian in a form identical to the one referred to earlier in these reasons. This note is dated April 27, 1994, gives the periods of care as April 25 to April 27 with a return to school on April 30. Under remarks is noted: "anxiety problem (emergency)". It was pointed out to Ms J.F. that the dates on the note were inconsistent with the dates on the certificate of May 2 which had been submitted with the petition. The petition was not pursued.

Report Number 192 of the Academic Appeals Committee

On November 14, 1994 the appellant submitted another petition to sit a deferred examination in FSL102S. This was supported with another medical note from Dr. Hadian. This note is dated either April 27 or April 28, 1994 (the date on the note has been changed) and states that she was under Dr. Hadian's care from April 28 to April 29 and able to return to school on April 29. Apart from the changes to the dates, the note is identical to the one submitted in July 1994. The second petition was denied by the Sub-committee on Standing. Her appeal to the Academic Appeals Sub-committee of Scarborough College was dismissed on the grounds that inadequate medical documentation had been provided to support the request for special consideration.

In her submissions to the Appeals Committee, Ms J.F. asserted that the Sub-committee had based its decision on a pattern of conduct which was not supported by the evidence. She acknowledged that she had previously missed an examination and had been granted a deferral. The instant case, she said, was unrelated and no adverse inference could or should be drawn from her previous conduct. The Appeals Committee does not believe that the Sub-committee on Standing based its decision on a pattern of conduct, nor did Scarborough College advance this in its submissions before us. Accordingly, we confined our consideration of this matter to the events which occurred on April 28, 1994 and thereafter. This is not to say that it is inappropriate to consider a student's entire record in deciding whether or not to grant a request for special consideration. In many cases, this will be extremely relevant. However, it was unnecessary to do so in this case.

The other argument which was advanced before us by Ms J.F. was that the medical documentation which had been originally provided was entirely sufficient to support her petition for a special examination. We do not accept this submission. It is clear from the Scarborough College Calendar that medical certificates in support of petitions must contain specified information. In the case of missed examinations, additional information is required. The note from Dr. Hadian dated May 2, 1994 falls considerably short of these requirements. It would have been a simple matter for Ms J.F. to give Dr. Hadian either an extract from the Calendar or a copy of the letter from the Committee dated June 17, 1994 in which these requirements are laid out. This she did not do. Instead, she obtained from Dr. Hadian several additional medical notes which were equally inadequate. The fact that several notes were obtained does not assist the appellant. It is the responsibility of the College to clearly set out its expectations of students with respect to requests for special consideration and the kind of evidence required to support these requests. Having done this the onus is then on the student to demonstrate his or her entitlement to an exemption from the academic regulations. In this case, the College met its responsibilities, but the student did not. Nevertheless, the College may wish to consider whether it would be of assistance to students (and to Scarborough College) to provide preprinted medical forms containing all the information required to support a petition and which a student could take to a physician to be completed. Had such a form been available, it might have avoided the situation which arose in this case.

April 28 was Friday. The Biology examination was scheduled from 9:00 a.m. to 12:00 p.m. According to Ms J.F., she left the examination and boarded the bus to the St. George campus. She became ill on the bus and a friend helped her to call her father to come and get her. She said that when her father arrived he took her home. She claims that she saw Dr Hadian on that day and was taken there by her father. Later, when asked by a member of the panel at what time she visited Dr. Hadian, she replied "11:00 or

Report Number 192 of the Academic Appeals Committee

12:00". This strikes us as implausible. In view of the fact that Ms J.F. would still have been writing or just completing her Biology examination at Scarborough College at "11:00 or 12:00" on April 28, and in view of the fact that Dr. Hadian's office is located in Willowdale at Sheppard and Leslie, we think it unlikely that the appellant attended on Dr. Hadian on April 28. Rather, we think it more likely that she visited him on May 2, this being the date which appears on the first note. She likely reported to him at that time that she had been ill the previous Friday and had missed an examination. She then asked him to provide her with a note which he did. The subsequent notes which were submitted do not clarify for us what really happened on April 28. However, what is clear is that Ms J.F. failed to meet her responsibility to appropriately document whatever illness she suffered on April 28 and which resulted in the missed examination. In view of this, Scarborough College was quite entitled to refuse her petition for a special examination. Accordingly, we are all of the view that the appeal should be dismissed.

Ms S. Girard
Secretary

Ms J. Lax
Acting Chairman

August 1, 1995