

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

REPORT NUMBER 212 OF THE ACADEMIC APPEALS COMMITTEE

August 8, 1996

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Thursday, August 8, 1996, at which the following were present:

Before: Ms Bonnie Croll, Acting Chairman
 Professor Ethel Auster
 Mr. Eric Brock
 Professor Mary Chipman
 Professor Emmet Robbins

In attendance: Mr. N.C., the appellant
 Ms Anita Bapooji, for the appellant
 Professor Ian McDonald, Assistant Dean for Students, for Scarborough College

This Committee considered an appeal by Mr. N.C., the Appellant, from a decision of the Sub-committee on Academic Appeals at Scarborough College which denied the Appellant's petition that he be exempted from writing Term Test two in the 1995 Winter Session course Psychological Research Laboratory (PSYBO1F) and that he be allowed to increase the weight given to his final exam by 25%. As a result of the decision of the Sub-committee on Academic Appeals, the Appellant failed the course PSYBO1F. The Appellant asks that the decision of the Sub-committee on Academic Appeals be reversed, and in the alternative, that the Appellant be provided with the opportunity to write a make-up test for the term test in PSYBO1F, and in the further alternative, that the Appellant be allowed a late withdrawal from PSYBO1F without academic penalty.

Before the merits of the appeal were addressed the Committee considered the Appellant's request for a closed hearing as requested in the grounds for appeal submitted to the Committee on June 20, 1996. After some discussion of the consequences of an open hearing, the Appellant withdrew his request for a closed hearing.

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Facts

On November 15, 1995, the Appellant missed the second term test in PSYB01F. He also failed to write the special test given on November 22, 1995, for those students who had been unable to write the test on November 15.

On December 20, 1995, the Appellant submitted a petition to the Sub-committee on Standing asking that he be exempted from writing the test. The Appellant's original petition to the Sub-committee on Standing at Scarborough College states, that he was sick on November 15, "was bed-ridden for the next few days", and proceeded to visit the instructor at "his next available office hours" in order to arrange a make-up test. On the evening of November 22, 1995, when he went to the instructor's office about 6:30 p.m., he discovered that the special test was being written on that day from 5:00 to 7:00 p.m. The Appellant's petition was supported by a medical certificate from Dr. C. K.. Liu that the Appellant had been seen on November 15, diagnosed as suffering from "flu-like syndrome," and "recommended to rest for 1-2 days".

The Appellant further stated that following his illness he had returned to classes at Scarborough College on November 20 or 21. A statement from the instructor of PSYB01F presented to the Sub-committee on Academic Appeals at Scarborough College, indicated that he had office hours specifically for students in PSYB01F "all day on Wednesdays", that he was also available in his office each working day between November 15 and November 22, and that the Appellant could have found out when the make-up test would be held by telephone. In addition, the teaching assistant for the course had posted a notice of the test and told any students who telephoned when the make-up test would be held. The Sub-committee also noted that the Appellant was offered an opportunity to meet the teaching assistant of PSYB01F to discuss rescheduling the make-up test but failed to take advantage of this opportunity. The Appellant submits 5 grounds of appeal, which the Committee will address in turn.

1. The Appellant submits that the Sub-committee on Academic Appeals erred in not considering the good faith of the Appellant.
2. The Appellant submits that the Sub-committee on Academic Appeals erred in holding the Appellant solely responsible for finding out about the make-up test.
3. The Appellant submits that even if it is determined that the Appellant had the sole responsibility to obtain the information on the make-up test, that in light of the information provided to the students and the Appellant's experience in other courses at Scarborough College, he reasonably fulfilled this responsibility.
4. The Appellant submits that the Sub-committee on Academic Appeals erred in finding that the professor and teaching assistant in PSYB01F had taken reasonable measures to ensure that students who missed the first test were informed as to the date of the make-up test.

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5. The Appellant submits that the Sub-committee on Academic Appeals erred in determining that the Appellant was offered the opportunity to meet with the course assistant to discuss rescheduling the make-up test but failed to take advantage of the opportunity.

A. (Ground #1)

With respect to the first ground of appeal, the Committee accepts the position of the Appellant that he acted in good faith as he attempted to deal with the missed test. However, the Committee considers that it is important to note that in its view, the methods employed by the Appellant are somewhat questionable. The Appellant apparently did not consider telephoning the professor to ask about arrangements for re-writing as it was the Appellant's understanding that no arrangements could be made until a medical certificate had been presented. Although the Appellant was correct in his understanding that no accommodation could be made until medical evidence had been presented, this should not have delayed his contacting the professor to advise of his missing the test. The Appellant also stated that it was his experience that professors are only available during the specific office hours which they publicize to students. Again, this assumption of the Appellant should not have governed his actions. Even if the Appellant had attempted to contact the professor in a timely manner and had been unsuccessful, in all likelihood he would have been able to leave a message for the professor. It appeared to the Committee that the Appellant had some reluctance to take any steps to contact the professor before his next available publicized office hours after the missed test. Even accepting this reluctance, this should not have precluded the Appellant from having made timely efforts to contact the tutorial leader or course assistant or registrarial staff at Scarborough College to discuss the missed test. The names and telephone numbers of the professor, the tutorial leader and course assistant were all provided to the Appellant on the course outline distributed at the beginning of the term. Similarly, the Committee is uncertain why the Appellant did not take steps to attend at the office of the course assistant at the time she suggested, or at least, to return her telephone call on the same day. In light of the seriousness of missing a test, it was incumbent on the Appellant to respond in a timely manner, in particular, since the missed test, the make-up test and the conversations with the course assistant occurred towards the end of the term. Nonetheless, the Committee does agree that, despite the apparent lack of urgency in the Appellant's actions, he did act in good faith in attempting to deal with the situation. He did attend at the professor's office one week after the missed test which was the first date he thought, albeit mistakenly, that the professor would be available. Similarly, he contacted the course assistant on the day following his meeting with professor. Since the Appellant's meeting with the professor occurred at 6:30 p.m., this was, in fact, an immediate response to the professor's suggestion that the Appellant contact the course assistant. Again, although it is arguable that the Appellant should have followed up with the course assistant in a more timely fashion, he was under the expectation that she would telephone him since she had taken his telephone number. It is perhaps more difficult to understand why the Appellant did not respond to the course assistant's telephone message left on December 4th, 1995 for three days, but again, it appears that he was under the understanding that no determination had been made, and that it would not be prejudicial to his situation to wait. In light of the decision made to award a zero in the course, it is obvious that the Appellant was operating under a misunderstanding and perhaps underestimated the gravity of his situation, but the

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Committee agrees that the Appellant was operating in good faith. At no time did he adopt a cavalier attitude and simply ignore the missed test, or assume that the automatic consequence would be a reallocation of the marks. The Appellant obtained a medical certificate, and spoke to the professor and course assistant to discuss the situation. The fact that he could have taken these steps in a more timely or conscientious manner does not detract from his good intentions.

B. (Ground #2)

With respect to the second ground of appeal, the Committee considers that it is solely the responsibility of the Appellant to find out about the make-up test. As stated by Professor Ian McDonald, Assistant Dean of Students at Scarborough College, the onus is on the student to take the appropriate steps to deal with missed tests and other situations which require accommodation in the student's academic program. Professor McDonald referred the Committee to the 1995-96 Calendar for Scarborough College. On page 240, the Procedures for requesting special consideration, petitions and appeals are set out. Under the section entitled "Requests for special consideration in a course" it states that "students who are unable to write a term examination...must...speak with their instructor as soon as possible to request special consideration." Similarly, on page 2 of the Calendar, under the heading "Important Notices", item 9 provides as follows: "It is the responsibility of students to see that their academic programs meet Scarborough College's regulations in all respects." Professor McDonald also advised the Committee that similar information is provided to every student on the registration form, and in the material entitled, "Strategies for Success", which is given to every Scarborough College student at the beginning of the year. It is the information in these materials which should inform the Appellant's actions, and not his previous experience in particular courses. Accordingly, the Committee does not accept the second ground of appeal put forth by the Appellant.

C. (Ground #3)

With respect to the third ground of appeal, as has been stated, it is the Committee's view that the Appellant had the sole responsibility to find out about the make-up test and the Appellant's experience in other courses should be irrelevant to his course of action in this case. The Appellant was well aware that courses dealt with missed tests in different ways. This is evident from the 4 course outlines which were included as part of the Appellant's Statement of Appeal. No doubt, the course outlines which the Appellant received for other courses he has taken at Scarborough College either dealt with the matter of make-up tests in their own unique way, or as was the case in the outline for PSYBO1F, did not address the matter of make-up tests. Accordingly, the Committee does not accept the third ground of appeal put forth by the Appellant.

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D. (Ground #4)

With respect to the fourth ground of appeal, the Committee is of the view that the professor complied with the Part II of the University Grading Practices Policy referred to in the Appellant's Statement of Appeal. The Grading Practices Policy requires the professor to "inform students...as early as possible...the methods by which the student performance should be evaluated. This should include whether the methods of evaluation shall be essays, test, examination etc., the relative weight of these methods in relation to the overall score, and the timing of each major evaluation." The course outline for PSYBO1F satisfies these requirements of the Grading Practices Policy. There is no requirement in the Grading Practices Policy that all manner of accommodation for missed tests, late work and other failures to meet the normal methods of evaluation be described at the outset of a course. The Appellant also cites Report Number 150 of the Academic Appeals Committee dated March 25, 1992 as support for his position that the fact that other students knew about the make-up test was irrelevant to the Appellant's position. The Committee does not share this view. The facts in Report Number 150 can be distinguished from those in the present case as it was held in that decision that the instructor did not comply with the stated requirements of the Faculty of Arts and Science. In this case there is no finding that the professor did not comply with the Grading Practices Policy, and accordingly, the fact that other students were aware of the arrangements can be considered in support of the finding of reasonableness of the professor's actions.

E. (Ground #5)

With respect to the fifth ground of appeal, it is unclear to the Committee, after hearing from both the Appellant and Professor McDonald, as to what the purpose of the missed meeting was. It is submitted that the Appellant should have been more sensitive to the timeliness of his response to the course assistant in light of the seriousness of a missed test, and in light of the lateness of the term. However, in light of some acknowledged uncertainty as to the purpose of the meeting, the Committee is unable to address this ground of appeal.

In summary, the Committee is of the view that the professor complied with the requirements of the Grading Practices Policy of Scarborough College. The fact that other professors may provide more specific information in course outlines is clearly their choice, but does not appear to be, and should not be considered to be, the norm. However, the Appellant was informed by his previous experience, and although he could have responded in a more serious and timely fashion, it is the view of the Committee that he sincerely thought he was doing all that was required of him. In the Appellant's mind, he did all he was expected to do. For this reason, the Committee has determined that some relief should be granted to the Appellant in the form of allowing a late withdrawal from PSYBO1F without academic penalty. The Committee does not consider that a redistribution of the weight of the missed test among the other course work and exam is the appropriate remedy in light of the stated importance of the completion of all term work. Nor does the Committee consider that a make-up test at this time is an appropriate remedy fair to either to the Appellant or the professor. The Committee is satisfied that the remedy it has imposed recognizes the good

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faith of the Appellant while at the same time reinforcing the gravity of missed term work, and the requirement of the student to address this in a timely and responsible manner.

Rosanne Lopers-Sweetman
Secretary

Assistant Dean Bonnie Croll
Acting Chairman

August 8, 1996