

## **REPORT NUMBER 263 OF THE ACADEMIC APPEALS COMMITTEE**

**October 10th, 2001**

To the Academic Board,  
University of Toronto.

Your Committee reports that it held a hearing on Wednesday, October 10th, 2001 at 1:30 p.m. in the Counsel Chamber, Simcoe Hall, 27 King's College Circle, at which the following were present:

Professor Ed Morgan, Acting Chair  
Professor Luigi Girolametto  
Ms. Karen Lewis  
Mr. Kasif Pirzada  
Professor Olga Pugliese

Mr. Paul Holmes, Judicial Affairs Officer

In attendance:

Mr. T.T., the appellant  
Mr. Alex Henderson, Downtown Legal Services, counsel for the appellant  
Professor Raymond Kwong, for the Faculty of Applied Science and Engineering  
Ms. Barbara McCann, for the Faculty of Applied Science and Engineering

The student appealed a decision of the Faculty Ombuds Committee of the Faculty of Applied Science and Engineering (the "Faculty") dated February 28<sup>th</sup>, 2001. The Committee's decision denied the appellant's request to grant permission to continue to the second term of fourth year in the civil engineering program. On appeal to the Academic Appeals Committee of the Governing Council, the appellant requested late withdrawal without academic penalty from three courses (CIV 424, CIV 540, and CIV 550).

In the fall of 2000 the appellant entered the first term of the fourth year of the civil engineering program. He was on academic probation at this time and was taking the three courses noted above. Of these, CIV 424 was a required course and the latter two were technical electives. He received failing grades in all three courses and was suspended by the Faculty for eight months.

The appellant presented new evidence to the Academic Appeals Committee and requested late withdrawal from CIV 424, CIV 540, and CIV 550. It was the appellant's position that he should have been granted special consideration by the two committees of the Faculty.

The Academic Appeals Committee of Governing Council rendered the following decision orally on October 10<sup>th</sup>, 2001:

## **Report Number 263 of the Academic Appeals Committee**

*Taking into account the medical evidence presented by the Appellant, much of which was not before the Faculty of Civil Engineering's Ombuds Committee, and the apparent severity of the injuries suffered by the Appellant in an automobile accident on November 29, 2000, the appeal is granted. The Appellant is granted permission for late withdrawal from CIV424, CIV540, and CIV550 without academic penalty. The Academic Appeals Committee is unanimous in this decision.*

The medical evidence presented by the appellant included a history of respiratory problems which hindered his class attendance as well as his concentration and studying ability. These problems, which were apparently allergy-related, were accompanied by severe headaches and other symptoms which made it difficult for him to function through much of the fall 2000 term. He presented evidence indicating that he had also been forced to miss classes during that term due to the stomach flu and that, in addition, he was in a serious automobile accident on November 29, 2000. A medical and insurance report submitted by the appellant demonstrated that he saw a doctor immediately after the accident, and was put on pain killing medication. He also underwent a course of treatment that included physiotherapy for neck and spinal injuries, as well as acupuncture and manipulation of the spine.

In all, the car accident appears to have had a very severe effect on the appellant, and caused him to miss his exams entirely at the end of the fall 2000 term. During the December 2000 exam period, he was suffering from episodes of pain as well as stress, and his doctor advised him that it would be overly stressful to write his exams. The appellant testified that during this period he could not stop his hands from shaking. The appellant has now recovered sufficiently from the injuries he suffered in the accident to continue his studies, although he testified that he continues to experience lower back problems.

The appellant petitioned the Faculty Committee on Examinations and the Ombuds Committee of the Faculty. The Committee on Examinations found that the appellant had not completed the assignments for the courses in issue, and had failed to write mid-terms and some of the quizzes. The Committee on Examinations determined that the appellant should have sought counseling and should have requested withdrawal from his course prior to the November 3, 2000 deadline. The Ombuds Committee also noted that the appellant was having substantial academic problems prior to the automobile accident. It was noted that the appellant had only attended about 30% of the lectures and tutorials during the relevant term, and that he had not sought counseling and had not requested withdrawal from the three courses in a timely fashion. Accordingly, both Committees rejected the appellant's request for special consideration.

It would appear that the appellant failed to bring the accident report to the Ombuds Committee. He was under the impression that a doctor's note, written in general terms, would suffice for the Committee's purposes. For that reason, it was difficult for the Faculty's Ombuds Committee to fully appreciate the severity of the accident and the symptoms suffered by the appellant as a result of the accident.

The Faculty's calendar provides that "A student who believes that academic performance has been adversely affected by illness, mishap or other circumstance during the term or the examination period should submit a Petition for Consideration in Final Examinations." The

### **Report Number 263 of the Academic Appeals Committee**

appellant submitted such a petition in a timely fashion. However, the Committee on Examinations and the Faculty Ombuds Committee both concentrated on the history of illness suffered by the appellant prior to the car accident on November 29, 2000, and either had insufficient information or placed insufficient emphasis on the consequences of the car accident itself. The petition was therefore not properly considered by the two committees.

It is the unanimous view of your Committee that the decision of the Faculty Ombuds Committee, which in turn upheld the decision of the Faculty Committee on Examinations, should be reversed. The appellant has demonstrated to your Committee's satisfaction that his academic performance in CIV 424, CIV 540, and CIV 550 was adversely affected by the medical consequences of the car accident during the fall 2000 examination period. His petition for late withdrawal from these courses is therefore granted.

February 12, 2002