

# **THE UNIVERSITY OF TORONTO**

## **THE GOVERNING COUNCIL**

### **REPORT NUMBER 305 OF THE ACADEMIC APPEALS COMMITTEE**

December 8, 2005

To the Academic Board,  
University of Toronto.

Your Committee reports that it held a hearing on Tuesday, November 22, 2005, at which the following members were present:

Professor Emeritus Ralph Scane, Senior Chair  
Professor Clare Beghtol  
Professor Pamela Catton  
Professor Ian McDonald  
Mr. Mahadeo Sukhai

Secretary: Mr. Anthony Gray, Judicial Affairs Officer.

#### **In Attendance:**

For the Student Appellant:

Mr. A.Z. (the Student)

For the Faculty of Applied Science and Engineering:

Professor Kim Pressnail  
Ms Ella Lund-Thomsen

This is an appeal from the decision, dated September 16, 2005, of the Ombuds Committee of the Faculty of Applied Science and Engineering (the Faculty), refusing to recommend reversal of the decision, dated July 28, 2005, of the Committee on Examinations of the Faculty. That decision was a re-examination and affirmation of an earlier decision, dated May 31, 2005, of that Committee, which had refused relief sought by the Student, on medical grounds, from his failure of the Winter Term, 2005. As a result of that failure, the Student was required to withdraw for eight months, until the Winter Term, 2006, and then to repeat that term of his programme while on academic probation. The exact nature of the relief sought by the Student from the Faculty's committees was not before your Committee, but your Committee was asked to increase the Student's sessional average for the Winter Term, 2005, from 51.8% to 54.8%, in order to enable him to proceed to the third year of his programme without repeating the failed term.

The Student entered the B.A.Sc. programme in the Department of Electrical and Computer Engineering of the Faculty in September, 2003. He successfully completed the two terms of his first year, and the Fall Term of his second year in 2004. However, in the Winter Term of 2005, he failed two subjects and received two grades of C- and a grade of D in the remaining three subjects taken. Accordingly, he failed the term.

The Student wrote his final examinations in the two-week period commencing April 11, 2005. He attended a medical clinic on Sunday, April 3, 2005, complaining of fever, sore throat, laryngitis and headache. He states that this condition continued during that week and much of the next, starting to moderate about the middle of the week of April 3, 2005. To treat his condition, he took a non-prescription pain-killer and cough syrup, as advised by the doctor. The Student alleges that the illness seriously affected his preparation and the three examinations written in the week commencing Monday, April 11, 2005. In the subjects in which these examinations were written, the Student received two grades of F, and a grade of C-.

The committees of the Faculty which reviewed the Student's petition considered that the medical evidence was insufficient to justify granting relief. The "certificate" issued on April 3, 2005, on the occasion of the one and only visit by the Student for examination was useless except to establish that the Student had visited the clinic on that date. Subsequently, the Student obtained a University certificate, dated April 25, 2005. This was completed by an associate of the physician who had actually attended the Student, that doctor then being on vacation. That certificate showed the Student as attending with "sore throat/ hoarse voice/ headache". It described the effect on the Student's academic performance as "unable to concentrate / felt drowsy", and stated that "apparently symptoms lasted until Apr. 11, 2005". Finally, the Student obtained another University certificate, dated July 9, 2005, this time signed by the attending physician. This was substantially the same as the earlier certificate, describing the Student as originally presenting himself with "laryngitis / sore throat", and the academic effect as "unable to concentrate due to pain".

Even supplementing these sparse descriptions with the Student's own oral evidence, your Committee is unable to conclude that the condition of the Student was such that, but for the existence of the medical condition, the Student would have passed the Winter Term of 2005. It notes that the attending physician did not consider, from his examination and the Student's information, that prescription medication was called for, or even that the Student should be advised to take those stronger non-prescription medications which are not stocked on the publicly accessible shelves, but can only be obtained by a request to the pharmacist. The Student was undoubtedly ill, but it is not every passing illness suffered during the examination period that will excuse inadequate academic performance, particularly performance at the level demonstrated in the academic term in question, where weakness in term work also played a significant role in the poor results .

The appeal is dismissed.