

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

REPORT NUMBER 201 OF THE ACADEMIC APPEALS COMMITTEE

October 20th, 1995

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Friday, October 20th, 1995, at 10:00 a.m. in the Flavelle Room, Faculty of Law, 78 Queen's Park Crescent, at which the following were present:

Professor Alan Mewett, Acting Chairman
Professor Barry Brown
Professor Donald Galbraith
Mr. Alan Kenigsberg
Professor Ruth Pike

Ms L. Snowden, Secretary

In attendance:

Ms B.M., the appellant
Mr. James Morton, counsel for the appellant
Dean Donald Perrier, Faculty of Pharmacy
Ms Heather Ditzend, Faculty of Pharmacy

The student appeals from a decision of the Faculty of Pharmacy refusing her petition to be allowed to proceed to year IV in the Faculty of Pharmacy. She seeks to be allowed to proceed into year IV, or, in the alternative, to be allowed to write a supplemental examination in Drug Analysis and then be allowed to proceed immediately into year IV.

The student was in year III in the Faculty of Pharmacy in the 1994-95 session and her original marks were reported to her as having an average during that year of only 59.3 with two failing marks in Medicinal Chemistry I (46) and Drug Analysis (47). She was informed that she had therefore failed the year and would be required to apply for admission to year II of the new programme in the Faculty of Pharmacy. This is because the Faculty of Pharmacy is undergoing a transition from the old programme to the new, as a result of which year III is not being offered this year and she, along with any other students who failed year III in the 1994-95 session, could not simply repeat that year but had to start again from year II of the new programme. However,

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a computing error in her marks was then discovered which, while it did not affect the two failures, raised her average to almost 60%, the required average. She was then within the Faculty of Pharmacy Rules which permitted her to write two supplemental examinations in the courses in which she had failed, but the student made no application for admission into year II of the new programme at this time, feeling, perhaps, that this was not necessary since she was confident of passing the supplemental examinations.

In August, she wrote the two supplemental examinations, passing the one in Medicinal Chemistry but again failing Drug Analysis. When informed of this, she then petitioned the Faculty of Pharmacy for relief, citing a series of personal tragedies that had occurred during the year which the Committee has no doubt were of a devastating and stressful nature. The Faculty of Pharmacy rejected the relief sought but did permit her to apply for admission to year II of the new programme even though, by then, the application was some four or five weeks late. She did apply and was accepted into year II where she is currently enrolled pending this appeal, though she is also auditing some of the current year IV in case this appeal is successful. The reasons for the Faculty of Pharmacy decision are not on the record, but the student appealed to the Faculty Appeal Committee which upheld the Faculty's decision, stating:

There was unanimous consensus that the personal blows which you suffered during the academic year had a cumulative effect, the net result of which was to interfere with your performance in Drug Analysis.

Notwithstanding, the Committee is of the view that your academic performance in all three years is so weak that your ability to adequately absorb the fourth year course material would not measure up to the standards required by the Faculty.

It is clear that the decision of the Faculty of Pharmacy took into account not only the personal circumstances of the student during the year but also her generally weak performances in her other years and decided that it was in her best interests and those of the Faculty of Pharmacy and the public at large that she not proceed to year IV, but resume her studies by enrolling in year II of the new programme.

The Committee heard from the student and considered a number of matters introduced into evidence and heard submissions from her counsel and from the representatives of the Faculty of Pharmacy. The Committee agrees that in professional faculties in particular it is relevant to consider all aspects of a student's record and to make a determination whether it is in the interests, not only of the student, but also of the Faculty of Pharmacy and the public at large that a student be allowed to proceed and the weaker a student's overall record, the more convincing evidence has to be that she should be allowed to proceed. The Committee is not unmindful of the personal tragedies suffered by this student but her record is simply not strong enough to justify such a notable relaxation of the faculty standards.

Even if the Committee had decided that the student merits some form of relief, it would not have been easy to fashion an appropriate remedy. The student's record is just not strong enough in academic subjects to permit her to proceed into year IV with a failure in Drug Analysis. The other relief sought, namely, a supplemental examination in Drug Analysis with permission to

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proceed directly into year IV if she is successful, is simply not possible. Mid-term examinations in year IV under the current regulations are held starting November 6th. A supplemental could not be arranged, set, written and marked much before then and the student could not be expected to write and pass those year IV examinations immediately afterwards. This would only mean another failure and the necessity for her to repeat year III of next year's revised curriculum.

Much of the difficulty arises because the Faculty of Pharmacy is now in the middle of its transition from the former programme to the new programme. The normal effect of students being required to repeat a year is the loss of a year. The Faculty of Pharmacy is now working its way through the transitional process, this year not offering year III and next year not offering year IV. For this year, a student failing last year's year III (and this student was not alone in this), this means that he or she must re-register not in year III but in year II and thus is penalized not one but two years. Next year, any student failing year IV will have to repeat not year IV but year III. Of course, after next year, the transition will be fully in effect and this will no longer be a problem. We should add that this problem is not limited to the Faculty of Pharmacy but obtains whenever programmes are significantly altered.

The other side of the picture is that this is a significant change in the programme offered in the Faculty of Pharmacy and that students must now conform to the restructured curriculum now offered. That being so, together with the fact that year III is simply not being offered during this transitional period, this may necessitate what is, in effect, a rather harsh penalty for a failing year, particularly when the failure is only because of a mark or two. Furthermore, students who have failed are permitted to make application to register and, as far as we can determine this application is favourably received, even though they would not qualify for admission according to the new standards set by the Faculty of Pharmacy as part of its programme change. The Committee is aware that the Faculty of Pharmacy appreciates this problem and it may be that there is no other solution, but the Committee does hope that the Faculty of Pharmacy explores whether there is actually any other acceptable resolution that would preserve the enhanced standards adopted by the Faculty of Pharmacy but also reduce the sanction imposed upon failing students.

The decision of the Committee is that the appeal be dismissed.

Ms L. Snowden
Secretary

Professor Alan Mewett
Acting Chairman

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