

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 214 OF THE ACADEMIC APPEALS COMMITTEE

October 7, 1996

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Monday, October 7, 1996, at which the following were present:

Before: Professor Alan Mewett, Acting Chairman
Professor Ethel Auster
Mr. Eric Brock
Professor John Mayhall
Mr. Alexander Waugh

In attendance: Ms W.W., the appellant
Professor Donald G. Perrier, Dean, Faculty of Pharmacy
Ms Heather Ditzend, Faculty Registrar, Faculty of Pharmacy

The student appealed a decision of the Appeals Committee of the Faculty rejecting her appeal from a decision of the Faculty that she fail Year IV of her Pharmacy course. The consequence of this was that, since Pharmacy is in the transitional period of changing its curriculum and will not be offering Year IV next year, the student would have to apply to re-register in Year III of the new curriculum. In fact, permission to re-register has already been granted.

The background is as follows: Year I, the student passed clear with an average of 68.9; Year II, she had one failure in Anatomy, with an average of 60.3. The student was eligible to write a supplemental examination in the failed course, which she again failed. Since the Faculty was then in the middle of its transitional phase, the Faculty, after an appeal by the student, gave the student the option of either being admitted to the Year III, on the understanding that she complete the Anatomy course as well as the communications component of the First-Year Pharmacy course (which she had failed to complete in 1992-93), OR being admitted to the new First-Year Programme and successfully completing Anatomy. The student chose the first option. In that Year III, the student did not write the Anatomy exam and failed the Pharmacology course with an average of 60.4. As a result of a supplemental examination in Pharmacology (a mark of 77) and a make-up examination in Anatomy (a mark of 51), she was permitted to proceed to Year IV. It was in her Year IV (the subject of this appeal) that she failed Clinical Pharmacy (a mark of 49) and Practice of Statistics (a mark of 32), as a result of which the Faculty made the decision that she fail her year.

The student introduces the following facts in support of her request for relief. While most of the courses in Pharmacy were finished by February, the examination in Philosophy which the

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student was taking in Arts and Sciences was due to be written on May 1 and the Statistics examination (also in Arts and Sciences) on May 2, at a time when the student was completing her clinical block in Hamilton. To accommodate Ms. W.W., the Faculty permitted her to write the PHL245S exam in Hamilton at the designated time and ensured that she be given at least a 2-hour break after the clinical block before the examination. She was also permitted to write the examination in STA221S in the morning of May 6.

Unfortunately, on the morning of May 6, the student went to the wrong building for the examination (though, since she had been given explicit instructions, it never became clear exactly how this mix-up occurred). Although she did find the right place and wrote the examination, doubtless she was, at least initially, under some stress as a result. She also states that she was suffering from a headache at the time and experienced difficulties in appreciating the questions.

Perhaps more cogently, in the middle of March of that year, the student received word that her grandmother was critically ill in Hong Kong and some members of her family immediately flew there to be by her bedside. The student states (and the Committee accepts) that she was extremely close to this grandmother and had, in fact been nurtured by her for the time she had been in Hong Kong. Certainly the Committee does not doubt that throughout this period the student must have been in a state of great anguish and stress.

The Faculty has a rule, which was well-known to the student (as she admits), that petitions for relief must be submitted no later than the last day of examinations, which in this case was May 6 -- the day of the Statistics examination. Nevertheless the student chose not to petition at that time or indeed at any time subsequently until she filed her appeal from the decision of the Faculty. She, along with all students in her position, were more than adequately warned that taking courses in Arts and Sciences could result in conflicts with the examination schedule in Pharmacy and that this would result in some accommodation having to be made.

On the one hand, we have a student for whom one must feel some compassion. She was under stress and wrote the examinations under trying conditions. On the other hand, she clearly is a weak student. Furthermore, we have a student who was fully aware of the petition requirements of the Faculty and who had already received some considerable accommodation from the Faculty in the past and in respect of whom the Faculty has already granted permission to register in the new Programme.

The Committee can see no error in the decision of the Faculty and the subsequent rejection of the student's appeal by the Appeal Committee. It is the opinion of the Committee that the Faculty and the Appeal Committee considered all the relevant material and reached an appropriate decision.

The Appeal is denied.

Ms Susan Girard
Acting Secretary

Alan W. Mewett Q.C.
Acting Chairman

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