

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

REPORT NUMBER 264 OF THE ACADEMIC APPEALS COMMITTEE

August 21 and 24, 2000

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Monday, August 21, 2000, continuing on Thursday, August 24, 2000, at which the following were present:

Professor Ralph Scane, Acting Chair
Mr. Muhammad Ahmad
Professor Emmet Robbins
Ms Susan Scace
Professor Donna Wells

Secretary: Ms Margaret McKone

In attendance:

For the Appellant;
Mr. Frank Genesee, Counsel for the
Appellant Ms R.E., Appellant (the Student)

For the Faculty of Pharmacy:
Dean Wayne Hindmarsh

This is an appeal from the decision of the Appeals Committee of the Faculty of Pharmacy, dated March 31, 2000, dismissing an appeal from a decision of the Faculty to fail the Student in the Fourth Year (1999-2000) of the B.Sc.Pharm. program, and refusing to allow the Student to write a supplemental examination in the subject PHM425H1 in order to give her an opportunity to attain the required average to permit her to continue with the second term of her Fourth Year.

The Fourth Year of the B.Sc.Pharm. program places all academic courses in the Fall Term. In the Spring Term, students must complete two "Structured Practical Experience Programs" (SPEPS). To qualify to proceed to the SPEPS, the Faculty requires that students obtain a minimum sessional GPA of 1.7. A student who attains this sessional GPA, but fails subjects, may write supplemental examinations, subject to certain limitations, but the regulations do not provide for supplemental examinations for students whose sessional GPA is less than 1.7. They fail the year, but may repeat it once.

The Student obtained a sessional GPA of 1.54 in the examinations at Christmas, 1999. She requested and was granted rereads of the final examinations in all her courses. There were some minor upwards adjustments, but these did not raise her sessional GPA. Accordingly, she failed, and could not proceed with her SPEP courses in the Spring Term. At this time, she is eligible to repeat the Fourth Year, commencing in September, 2000.

The Student has a problem with anxiety in examination situations, dating back to her pre-Pharmacy undergraduate program at the University of Waterloo, where she received some counselling which appears to have helped her. She received counselling from this University's

Counselling and Learning Skills Service in the Spring Term of 1997. When she failed an examination at the end of her First Year, the Faculty of Pharmacy's Board of Examiners was concerned about her ability to cope with a supplemental examination, given the information about her anxiety attacks with which they had been supplied, and requested a professional opinion as to her ability to bring her anxiety under control, before permitting the supplemental examination. Failing that, the student was offered the option of enrolling as a Special Student to retake the course in the following year. The Student was unable to see a psychiatrist or psychologist for this purpose. She did secure an opinion from her family doctor that she was presently stable and had no behavioral disorder. On this basis she was permitted to write the supplemental examination, and passed it.

The following year, the Student received counselling from the Academic and Learning Skills Centre at Erindale for her anxiety attacks and insomnia. She successfully completed Second Year in the Pharmacy program.

At the beginning of the Third Year, concerned that her anxiety situation was worsening, the Student met with the Co-ordinator of the University's Services for Students with Disabilities, who referred her to Health Services for psychiatric support. She received "Cognitive Therapy" in a group for a month at the end of the 1998 Fall Term, but was unable to continue with it in the following term due to time conflicts. The doctor in charge of the therapy reported (in January, 2000) that the Student "presented with insomnia and anxiety. Her anxiety included school related and academic anxiety issues."

During the Fall Term of her Fourth Year, the Student did not re-enrol for therapy. Because of her experience with waiting lists for therapists, she felt that she was unlikely to receive timely benefit for the Fall Term examinations. She did call the psychologist at the University of Waterloo who had assisted her when she was at that institution.

At the hearing, your Committee heard evidence from two classmates of the Student in the Pharmacy program, two persons who had been in residence with her, and her mother and father. Her contemporaries testified as to her diligence in studying, and their observations as to what they considered an abnormally high level of anxiety over examinations. Her parents testified as to her anxiety levels, and also as to business problems of the father and medical problems of the mother, which would increase the level of stress affecting the Student during her program. While this evidence offered some lay corroboration of the Student's own evidence as to the stress and anxiety she underwent during her time in the Pharmacy program, your Committee did not consider that, in itself, this evidence would justify allowing this appeal.

However, there is also medical evidence in this case which your Committee found compelling, although the most cogent was not, by its nature, available to the Appeals Committee.

First, the psychologist at the University of Waterloo who had counselled the Student when she attended there, Dr. J. B. Reis, wrote to the Co-ordinator of this University's Services for Students with Disabilities on November 5, 1998. He therein stated that the Student had been diagnosed by him as suffering from a "specific phobia" in "situations of evaluation". These would lead to "significant levels of debilitating anxiety and panic". He felt that she had improved under counselling there, but that this had terminated at the end of the term, and she had not then overcome all her difficulties. She had been considered eligible to receive examination accommodation consisting of an additional 20 minutes per hour of examination time. He felt that it would be appropriate for the University of Toronto to extend similar accommodation, and that the Student should "engage in a counselling arrangement to address her anxiety issues".

It is important to note that, whether for policy reasons or through inadvertence, this letter was not brought to the attention of either the Student or the Faculty of Pharmacy. Nor, if any decision was made by the University at that time with respect to accommodation on examinations, was such decision conveyed to either the Student or the Faculty. The letter surfaced during the hearing before the Appeals Committee, either in response to enquiries made by the Chair of that Committee after the first hearing session, or to enquiries made by or on behalf of the Student for purposes of that appeal, or both. The Student testified that, if she had been made aware of the terms of Dr. Reis' letter when it was received, and had understood that she had been diagnosed with a "specific phobia", she would have immediately sought "one on one" professional treatment. Of course, the Faculty, aware of neither the letter nor of any accommodation which may have been granted, could not make any accommodation.

At the hearing before your Committee, Dr. A. Cheok gave oral evidence. He is a psychiatrist affiliated with the Centre for Addiction Research and Mental Health - Clark Division, and with the University's Health Service. He specializes in anxiety disorders. He commenced assessment and treatment of the Student only in July of this year, so his evidence would not have been available to the Appeals Board. He testified that the Student suffers from a medical condition recognised by both U.S.A. and Canadian psychiatric societies as "test anxiety disorder", and that the Student's case was a severe one. The condition is one of a group of identified "social anxiety disorders." It is a combination of biological and psychological factors. Those afflicted encounter difficulty in "encoding" and recalling information. Dr. Cheok testified that, while persons not suffering from this disorder typically might employ 80% of their cognitive capacity during an examination, a sufferer might only be able to employ 60%. The effect of the disorder might wax and wane according to the external stresses to which the person in question was subject. Dr. Cheok also expressed the belief that a person with this condition might do somewhat better on an examination if an accommodation such as some extension of time were afforded, because of the reduction in anxiety that might be expected. He emphasised that this medical condition should not be considered as merely a severe case of the type of anxiety that is almost endemic among students around examination time.

Your Committee believes that the presence of this condition justifies allowing the appeal. As mentioned, the powerful evidence of Dr. Cheok was not available to the Appeals Committee. It seems probable that the letter of Dr. Reis, whose opinion seems consistent with that of Dr. Cheok, was before that Committee, at least by its second meeting. However, your Committee does not have the benefit of the Appeals Committee's appraisal of it, as it is not referred to in the decision. Your Committee believes that it is probable that the condition described by Dr. Cheok and Dr. Reis was present and operating to some degree during the Student's examinations at the end of the Fall Term in 1999, and that, if this condition had been known to the Student and the Faculty and been accommodated, there is a reasonable chance that the Student might have achieved at least the minimum sessional GPA to permit her to proceed to the SPEPS in the second term of her Fourth Year.

As this appeal opened, the Student's position was that she proposed to exercise her right to repeat her Fourth Year, but, if her appeal to be allowed a supplemental examination was allowed, and she did write it and obtained the required sessional GPA of 1.7, would not complete the repeat term, as it would be unnecessary. She would simply proceed to her SPEPS as soon as placements could be arranged. If she did not obtain the necessary increase in her average, she would continue and complete the Fall Term in 2000. Given Dr. Cheok's evidence that she would require eight to twelve weeks of therapy from the date of the hearing to learn to cope with her condition, members of your Committee expressed the opinion that such a course of action was a

recipe for disaster. The increased stress of keeping up with the heavy Fall Term program in Fourth Year, plus preparing for the supplemental examination, would put both projects in extreme jeopardy. If she did not succeed in raising her sessional GPA from the previous year to the necessary 1.7 level, and also failed to achieve that level on her second attempt at the Fall term of her Fourth Year, she would be terminated from the program under the Faculty rules. After discussion with her counsel, the Student agreed that, if she were granted the relief she asks from your Committee, she would not also seek to proceed with a repeat of the Fall Term of her Fourth Year in September, 2000. This is a condition of the relief granted by your Committee.

Your Committee therefore allows the appeal, subject to the foregoing condition, and directs:

- (1) The Student may write a supplemental examination in the course PHM425H1. This course is evaluated not only by a final examination, but also by an assignment. "Supplemental examination", for the purpose of this decision, includes all evaluation components normally included in computing the final grade for this course. In the case of the assignment, students usually work in groups. It is understood that this may not be practicable in this case, and the Student may have to work alone.
- (2) The supplemental examination must be completed by the end of the normal final examination period for Fall Term 2000 courses at the Faculty. Your Committee sets this deadline because both Faculty and Student need closure for this matter. The date has been extended this far to give the Student maximum opportunity to benefit from treatment from Dr. Cheok. He estimated that it might take eight to twelve weeks of therapy to achieve full benefit from the counselling the Student is currently undergoing.
- (3) The Student may not use her examination anxiety disorder as a ground of appeal from the final grade awarded on the supplemental examination.
- (4) The Student may apply to the appropriate University authorities for consideration for accommodation due to her medical condition, in satisfying the evaluation requirements of the supplemental examination.
- (5) If the Student succeeds in raising her sessional GPA for the Fall Term, 1999-2000 to 1.7 by means of the supplemental examination, she is eligible to proceed to her SPEP placements in the Spring Term, 2001. However, it is understood that her placement cannot be guaranteed at this time. Placements are normally arranged near the beginning of the Fall Term. Because of the uncertainty as to whether the Student will be able to raise her GPA sufficiently to allow her to proceed to her SPEPS, arrangements for her must be delayed. The Faculty has indicated that it will use its best efforts to assist her in arranging timely placements, once she qualifies, but the risk of delay must be accepted by the Student.
- (6) If the Student fails to raise her sessional GPA sufficiently, she will have failed her Fourth Year in the 1999-2000 academic year, but under the Faculty's policy, may repeat it in the academic year commencing in September, 2001.

Margaret McKone
Acting Secretary

Professor Ralph Scane
Acting Chair

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