

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

Report #316 of the Academic Appeals Committee
April 9, 2007

The Academic Appeals Committee reports that it held a hearing on Friday, March 9, 2007, at which the following were present:

Assistant Dean Kate Hilton, Chair
Mr. Kristofer Coward
Professor William Gough
Dr. Joel Kirsh
Professor James Rini

Dr. Anthony Gray, Judicial Affairs Officer

In Attendance:

the Student Appellant

For the Student Appellant:
Mr. Chris Burr (Counsel)
Ms. Janye Lee (Counsel)

For the Leslie Dan Faculty of Pharmacy:
Associate Dean Lesley Lavack,
Ms. Brenda Thrush, Registrar

The Appeal

The Student is appealing the decision of the Faculty of Pharmacy Appeals Committee, dated July 10, 2006, which denied the Student's petition to write supplemental examinations in two of his courses (PHM 222 and PHM 228) and also his petition for alternative relief in the form of permission to repeat Year 2 of the Pharmacy program in its entirety. In this appeal to the Academic Appeals Committee, the Student seeks the sole remedy of readmission to the Faculty of Pharmacy for the purpose of repeating Year 2 of the program.

Facts

After completing 2.5 years of study at Concordia University in a Bachelor of Science program, the Student applied to transfer to the Leslie Dan Faculty of Pharmacy at the University of Toronto ("Pharmacy"). He was admitted to the Pharmacy program in September of 2002.

The Student experienced academic difficulty in the Pharmacy program. Pharmacy's policies require that students complete all of the academic requirements of a given year of the program before advancing to the next year. In order to advance, students must earn a passing grade in each course and must also obtain an annual GPA of at least 1.7. If a student obtains an annual GPA of less than 1.7, the student is considered to have failed the year and must repeat the failed year in its entirety. If a student obtains an annual GPA of less than 1.7 twice, the student is not permitted to continue in the Pharmacy program. In addition, up until 2005, students who failed a year were required to rusticate (take a leave of absence) for a full academic year before being eligible to request readmission.

In 2002-2003, the Student enrolled in Year 1 of the Pharmacy program and obtained an annual GPA of 0.98. Having failed the year, the Student was required to rusticate during the 2003-2004 academic year. In 2004-2005, the Student returned to Pharmacy and re-enrolled in Year 1 of the program. He obtained an annual GPA of 2.20 and was permitted to advance to Year 2. In 2005-2006, the Student obtained an annual GPA of 1.40 in Year 2. Having not obtained an annual GPA of 1.7 in two separate years, the Student was informed that his admission and registration in the Pharmacy program would be cancelled.

The Student petitioned the Pharmacy Appeals Committee for permission to write supplemental examinations in two failed courses (PHM 222 and PHM 228), and in the alternative, to repeat Year 2 of the Pharmacy program. The Student provided evidence that he had been severely affected by his father's ill health and by financial pressures during the 2005-2006 academic year, and that he had been unable to concentrate on his studies to the extent necessary. The Pharmacy Appeals Committee denied the Student's appeal. In its written decision, the Pharmacy Appeals Committee stated that the Student did not have "a concrete plan" to deal with his family issues, and it expressed concern that the Student would continue to perform poorly if his father's health, which had stabilized, deteriorated again. The Pharmacy Appeals Committee also stated as follows:

Your overall academic record at this Faculty is not strong. Your failure in first year and your year of rustication ought to have offered you some insight into the work you would have to put into your studies in order to achieve passing grades at this Faculty. Following rustication your casual attitude toward your studies was unacceptable. We understand your desire to support your family in Montreal but we had considerable difficulty understanding how you could place the success of your brother's business interests ahead of your academic responsibilities at the Faculty.

On October 13, 2006, the Student appealed to the Academic Appeals Committee of Governing Council. The Student asked this Committee to permit him to re-enroll in Pharmacy and to repeat Year 2 of the program.

Decision

Your Committee is of the view that the appeal should be denied.

The main issue before this Committee was whether or not the Student had suffered from an undiagnosed mental illness during the 2005-06 academic year which had prevented him from performing to the standard required by the Pharmacy program. The Student presented evidence to demonstrate that he was under stress during 2005-06. The Student's main source of stress was the fact that his father was experiencing some health problems relating to diabetes and arthritis. The Student was anxious about his father's health, and traveled to Montreal approximately once a month to be with his family. During these visits, he helped to care for his younger brother, who is autistic, and also helped his mother with a range of household tasks. His older brother, who was starting a business at the time, was traveling often and some of his regular responsibilities fell to the Student. The Student also experienced some financial anxiety during this time. His father was not working, and the Student, a practicing Muslim, was reluctant to apply for OSAP because of a religious prohibition against taking interest-bearing loans.

The medical evidence in this case is extremely weak. The Student did not seek assistance from medical or mental health professionals in 2005-06, and consequently, there is no medical documentation available in relation to the Student's alleged mental illness. In preparation for this appeal, the Student visited a psychologist on one occasion (in November 2006, following his expulsion from Pharmacy). He was not prescribed any medication and has not continued with any form of treatment for anxiety.

The Student provided extensive oral evidence about the nature of his symptoms during the 2005-06 academic year. While this Committee does not doubt that the Student experienced some stress and anxiety as a result of his family situation, it does not accept that the Student was incapacitated to the point of mental illness. Undoubtedly, many students at the University of Toronto will experience familial and/or financial pressures during the course of their studies. In this case, the Student was not able to demonstrate that his situation merited extraordinary relief.

While this Committee has arrived at the same decision as the Pharmacy Appeals Committee, we wish to note that we disagree with the reasons offered by the Pharmacy Appeals Committee. In our view, the Pharmacy Appeals Committee had no basis for concluding that the Student returned from his year of rustication with a "casual attitude" to his studies, or for concluding that the Student "place[d] the success of [his] brother's business interests ahead of [his] academic responsibilities." Rather, this Committee notes that the Student was admitted to Pharmacy with a weak academic record as compared with the rest of his class, and consequently, that he struggled to stay afloat in a challenging program. Unfortunately, when faced with some external stressors (of the kind faced by many students at the University of Toronto), the Student was simply unable to meet the requirements of the Pharmacy program.

This Committee also wishes to comment on Pharmacy's approach to advising students about the resources available to them if they should experience academic difficulty. This Committee acknowledges that the Student did not advise the administration at Pharmacy that he was struggling with personal and financial difficulties at any point during the

2005-06 academic year. This Committee also accepts that Pharmacy has a number of procedures in place to assist students in distress when such issues are brought to the Faculty's attention. However, this Committee is of the view that Pharmacy may wish to consider other approaches in order to ensure that students are aware of the range of options available to assist them. For example, Pharmacy ensures that all first-year students receive information about the petition process; however, unless students seek an appointment with the Registrar, they are not told that they may request a leave of absence or a reduction in their course load. This Committee was also concerned to hear that the Student was completely unprepared for his hearing before the Pharmacy Appeals Committee. Despite the fact that the Student spoke with the Registrar prior to his hearing, he was clearly surprised by the adversarial nature of the process. This Committee notes that the University has an institutional interest in seeing students present their "best case" before the divisional appeals committee, so that a meaningful exploration – and final resolution – of the issues is possible. To this end, this Committee encourages divisions to pay particular attention to the information and resources provided to students pursuing an appeal, with reference to the Policy on Academic Appeals Within Divisions, and to the best practices contained in the Provost's Framework for the Divisional Appeals Processes.

The appeal is denied.