

UNIVERSITY OF TORONTO
GOVERNING COUNCIL
Report #433 of the Academic Appeals Committee
February 28, 2024

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Monday, November 20, 2023, at which the following members were present:

Academic Appeal Committee Members:

Sara Faherty, Chair
Professor Sotirios Damouras, Faculty Governor
Firdaus Sadid, Student Governor

Hearing Secretary:

Carmelle Salomon-Labbé, Associate Director, Office of Appeals, Discipline and Faculty Grievances

For the Student Appellant:

J.C. (the “Student Appellant”)

For the School of Graduate Studies:

Professor John Peever, Vice-Dean, Students

I. Overview:

This is an appeal from a decision made on July 17, 2023, by the Graduate Academic Appeals Board (GAAB). The GAAB denied the Student Appellant’s appeal from the School of Graduate Studies’ decision to accept the recommendation of Professor Carolyn Cummins, Director, Graduate Department of Pharmaceutical Sciences, Leslie Dan Faculty of Pharmacy to terminate the Student Appellant’s registration in the PhD Program in Pharmaceutical Sciences. The decision to terminate the Student Appellant originated in her Advisory Committee, which, after four meetings, communicated its recommendation to the Faculty of Pharmacy’s Graduate Committee on Academic Standing that the Student Appellant’s enrolment in the PhD program be terminated due to her failure to make progress toward her degree. The Academic Standing Committee accepted that recommendation and sent it to the School of Graduate Studies, where Dr. Yunusova accepted the recommendation and terminated the Student Appellant’s registration. The basis for this decision was the Student Appellant’s lack of academic progress. The Student Appellant submits that her Advisory Committee made an inaccurate assessment of her academic progress.

The Student Appellant challenges the GAAB decision, questioning the accuracy of her Advisory Committee’s assessment of her academic progress. The Student Appellant asserts that her academic submissions to the Advisory Committee met the threshold for being allowed to move forward to her qualifying exams. The Student Appellant referred to her impressive Curriculum Vitae, her success in course work at the Leslie Dan Faculty of Pharmacy, her extensive extra-curricular activities, her services as an exam invigilator and various awards and honours she received on her academic work. She alleges bias on the part of the Advisory Committee and suggests that the COVID-19 pandemic and a reduced access to in person lab work played a part in her lack of progress.

The Student Appellant also raised two procedural issues, first asserting that as a PhD student she was not required to write qualifying exams, and second claiming that one of the Co-Supervisors of her Advisory Committee served as the Committee Chair, which violated a Faculty of Pharmacy rule.

Finally, the Student Appellant pointed out some missteps taken by the University, where she was mistakenly permitted to engage in activities reserved for actively enrolled graduate students.

II. The Facts

Previous Termination

This is the Student Appellant's second attempt to achieve Candidacy (*i.e.*, complete all the requirements for the doctoral degree exclusive of thesis) She seeks to be found to be eligible to write her qualifying examinations, or in the alternative, a determination that she does not need to write those exams. She was originally enrolled in the PhD Program in Pharmaceutical Sciences in Fall of 2019. After three successful terms of course work, and two unsuccessful meetings with her original Advisory Committee, the Student Appellant's registration was terminated in March of 2021 due to failure to make satisfactory progress toward her degree. The Student Appellant appealed this 2021 termination to the GAAB, which reinstated the Student Appellant in July of that year, in part because it found deficiencies in Pharmacy's communication and support offered to the Student Appellant.

Enhancements to Support in Second Enrolment

The reinstatement included significant changes on the part of the Department of Pharmaceutical Sciences. To truly reintegrate the Student Appellant into the Department and support her success in the program, the Department and the Student Appellant agreed to several changes. They connected the Student Appellant with an academic progress worker to help ensure she had access to SGS and central University resources and provided academic advising to emphasize the need to focus on thesis research going forward. The advice was centered on the Student Appellant's need to find a supervisor, pass the qualifying examination, and achieve PhD candidacy. A key component of the new arrangement was the co-supervisory model that set Professor Grootendorst as the theoretical and subject-matter expert and a second supervisor who would ensure the Student Appellant was progressing through the program and understood the program requirements. The Student Appellant agreed to submit brief weekly progress updates. The Department also reinstated the Student Appellant's four-year funding.

Between July of 2021 and December of 2022, the Student Appellant continued her work in the Faculty with a new supervisor. The newly constituted Advisory Committee was made up of four faculty members:

Paul Grootendorst, Associate Professor in the Leslie Dan Faculty of Pharmacy (Supervisor);

Suzanne Cadarette, Associate Professor at the Leslie Dan Faculty of Pharmacy (secondary co-supervisor and Chair);

Ayman Chit, Assistant Professor at the Leslie Dan Faculty of Pharmacy;

Ashleigh Tuite, an infectious disease epidemiologist at the Dalla Lana School of Public Health.

At a meeting in September of 2021, the Student Appellant and her co-supervisors set up some additional processes meant to support the Student Appellant's success. They agreed to monitor the Student

Appellant's progress closely, using a one-page update the Student Appellant was to submit each Friday that would summarise her progress during the preceding week.

Progress with the New Advisory Committee

The Student Appellant met with her Committee more frequently than is typical, convening four times during this period. Meetings were held on January 5, 2022; June 9, 2022; July 15, 2022; and October 21, 2022. The assessments at each Committee meeting were progressively negative.

After the second Advisory Committee Meeting in June 2022, Carolyn Cummins sent the Student Appellant a letter expressing concern and offering to provide support services. She recommended appointments with the Academic Success Centre, the Health and Wellness department at Student Life, and suggested the Student Appellant connect with Accessibility Services, and offered to answer the Student Appellant's questions and help her connect with any of those supports. During the final meeting, in October, the Committee determined that the Student Appellant's progress was weak on all criteria and determined that the Student Appellant's draft proposal was not suitable to progress to a qualifying exam. For a second time, the Student Appellant's Advisory Committee recommended that the Student Appellant's registration be terminated.

III. Decision

The Student Appellant challenges the Advisory Committee's termination on several grounds. Her overall view is that the Committee was incorrect in its assessment of her progress.

a. The accuracy of the Advisory Committee's assessment of the Student Appellant's academic progress:

The Student Appellant asserts that her academic submissions to the Advisory Committee met the threshold for being allowed to move forward to her qualifying exams. The Student Appellant believes that she is making excellent academic progress. She has successfully completed her course work in the Department and is eager to take more courses. She also relies on what she believes was excellent feedback from Committee Members and the fact that they asked interesting questions to support her perception that she is doing well academically.

The written feedback from the Advisory Committee tells a different story, though, from what the Student Appellant recalls. Each Committee Meeting is summarised in a "Graduate Department of Pharmaceutical Sciences Advisory Committee Assessment Form" which assesses students on eleven factors:

- (a) Technical skills
- (b) Knowledge of relevant literature and methods
- (c) Design of the project
- (d) Problem solving
- (e) Critical analysis/interpretation
- (f) Originality/Creativity
- (g) Industry
- (h) Self-reliance
- (i) Communication Skills (Oral)
- (j) Communications Skills (Written)
- (k) Interaction with others in the research group

Each factor is checked off and assessed as either “Good,” “Satisfactory” or “Weak,” or the Advisory Committee reports that it has had “Inadequate Opportunity to Observe.”

The feedback on each form displays the following constellation of assessments:

First meeting (January 5, 2022):

Good:	2 factors
Satisfactory:	3 factors
Weak:	1 factor
Inadequate Opportunity to Observe:	5 factors

Second meeting (June 9, 2022):

Good:	1 factor
Satisfactory:	5 factors
Weak:	7 factors
Inadequate Opportunity to Observe:	none

(Note that these assessments tally up to 13 because there was not consensus on two factors, with some Committee member(s) determining that Originality/Creativity was “satisfactory” and others that it was “weak”; and some Committee Member(s) determining that Oral Communication skills were “satisfactory” and others that they were “weak”.)

Third meeting (July 15, 2022):

Good:	none
Satisfactory:	none
Weak:	10 factors
Inadequate Opportunity to Observe:	1 factor

Fourth meeting (October 21, 2022):

Good:	none
Satisfactory:	none
Weak:	11 factors
Inadequate Opportunity to Observe:	none

The Student Appellant’s optimism and positive outlook are admirable, but confusing. The data on these forms make it virtually impossible not to conclude that the Student Appellant was not making progress during this period. The stark disconnect between the written feedback and the Student Appellant’s understanding is addressed on each form, under the factor called “interaction with others in the research group,” which is assessed only by the Supervisor.

On the January form the Supervisor marked this as “good” and wrote that the Student Appellant was “Personable.”

On the June form the Supervisor again assessed this factor as “good” (this was the only factor which received this most favourable rating), noting “participates in meetings.”

In July, the Supervisor changed the assessment to “inadequate opportunity to observe” and wrote, “personable and attends meetings (good) yet the interaction to further development of PhD thesis (underlying aspect of the review) is hard to describe/assess. Team members continue to support her as best they can, yet she does not seem to comprehend discussions.”

Finally, in October, the Supervisor changed the rating to “weak,” and wrote: “does not follow feedback from supervisor or team—personable (good) yet the interaction to further development of PhD thesis (underlying aspect of the review) is hard to describe/assess. Team members continue to support her as best they can, yet she does not seem to comprehend discussions.”

b. The Student Appellant’s other accomplishments:

The Student Appellant is an energetic, talented member of the University Community and is understandably proud of her many achievements. The Student Appellant has indeed made many accomplishments during her time at the University of Toronto. She cites her impressive Curriculum Vitae, refers to her successful course work at the Leslie Dan Faculty of Pharmacy, and points to her extensive extra-curricular activities, including athletic accomplishments, service as an exam invigilator and various awards and honours to support this argument.

The Student Appellant’s energy and generosity with her time is admirable and, as she argued during the hearing, it is likely these activities enhanced her graduate studies. However, such activities cannot replace her graduate work, and the critical step for a PhD student is to develop a proposal with a framework that will support her doctoral thesis. Your Committee is impressed by the Student Appellant’s enthusiasm for course work and other activities but cannot find that they are a substitute for the work her Advisory Committee was urging her to complete.

c. Alleged bias on the part of the Advisory Committee:

The Student Appellant raised the possibility that her Advisory Committee was biased against her but was unable to articulate the grounds for bias she thought was being demonstrated. She suggested that the need to switch supervisors had turned the Advisory Committee against her but was unable to say how or why that might have happened or point to any instance of a Committee member acting against her for that reason. While the Student Appellant suggested that she was denied some awards and research opportunities by her Advisory Committee and her prospects were limited by the lack of positive recommendations from them, the Department pointed to the circularity of the argument, suggesting that until she had a well-developed thesis proposal such recommendations were not appropriate. The Department believed the best way to support the Student Appellant was to provide her with enhanced support and focus on her thesis development and to provide her with the feedback and resources to achieve candidacy.

The Student Appellant was under a misapprehension that only one member had completed her Advisory Committee feedback forms and mistakenly believed that only Dr. Cadarette had determined her scores. The Department explained that all four Advisory Committee members had generated the written feedback she received. Your Committee was pleased to see that this information seemed to reassure the Student Appellant. We hope this new understanding worked to relieve the Student Appellant’s anxiety about personal prejudice against her.

No negative representation of the Student Appellant appears in the file other than increasingly negative appraisals of her progress in the program. The feedback provided to the Student Appellant was detailed and rooted in academic assessments and recommendations—there is no evidence of unfair bias against the

Student Appellant. Your Committee accepts that the unwelcome academic assessments may have felt unfairly burdensome to the Student Appellant, but they do not constitute bias against her.

d. The COVID-19 pandemic and a reduced access to in person lab work played a part in her lack of progress.

The Student Appellant asserts that there may have been after-effects of the COVID-19 pandemic on her current research, but she does not specify any after-effects or connect them to her research. She refers to the School of Graduate Studies policies set forth in its Supervision Guidelines advising supervisors and academic advisors to continue to assess the impact of COVID-19 and the associated repercussions on student research, academic progress, and funding.

The Student Appellant gives an example of laboratories being closed but is not specific about when during the relevant period (late 2021 and most of 2022) they were closed or what she needed laboratory access for. The Student Appellant said that she had on-line access to laboratories, but that she preferred attending in person. She never alerted her Advisory Committee to a concern about laboratory access. She did not mention a lack of access to laboratories in her Requests for Extension to Candidacy dated August 20, 2022, or January 12, 2023.

While the Student Appellant received significant amounts of written feedback from her Advisory Committee, none of it suggests that her studies were impaired by having to take place partly on-line. Rather, the feedback consistently revolves around the Student Appellant's need to develop her theoretical framework and work with the relevant literature. The Advisory Committee recommended that the Student Appellant focus exclusively on developing her proposal and expressed concern that she was instead enrolling in courses and serving as the chief Presiding Officer for exams. There is no reference by either the Student Appellant or her Advisory Committee to delays being caused by lack of access to laboratories, or because some of the Student Appellant's work was completed remotely.

Notes from the third Advisory Committee report articulate "serious concerns" about the lack of integration of comments from the previous committee meeting and about the Student Appellant's proposal lack of detail or coherence. The repeated theme in the Committee feedback is that the Student Appellant did not demonstrate the ability to incorporate Committee feedback or synthesize information from the relevant literature into her proposal. The file does not support a finding that the Student Appellant's progress was delayed by factors related to COVID-19 or its aftereffects. The Student Appellant's suggestion that her lack of progress was related to COVID-19, or its aftereffects seems speculative, and is not supported by the record.

e. Procedural Issues

i. Requirement to write qualifying examination:

The Student Appellant argues that she was not required to pass a qualifying examination because she had been admitted directly into the PhD program, and she asserts that a qualifying examination is required only from students moving from the Master program into the doctoral program. This argument is not supported. The Department of Pharmaceutical Sciences requires qualifying examinations for PhD students whether they enter the program after completing an MSc or after completing a BSc.

The file is replete with references to the Student Appellant writing a qualifying examination, starting with an email dated September 24, 2021, in which Professor Cadarette wrote a summary of her expectations,

including “focus over the next year vs. subsequent years (*i.e.*, main goal this year is proposal development and defense/pass qualifying exam).

The Student Appellant agreed to various significant “major milestones” during her Initial Meeting with Professors Grootendorst and Cadarette, which is memorialised and annotated by the Student Appellant on the Initial Meeting form she and her Supervisor and Co-supervisor signed on September 27 and October 7, 2021. It includes writing a qualifying examination.

In the first Advisory Committee Assessment Form summarising the January 5, 2022, meeting, the printed item 4 reads “is the student making satisfactory progress toward ~~graduation~~.” Someone crossed out the word “graduation” and handwrote “qualifying exam” in its place. The “yes” and “no” check box options were also crossed out and “too early to comment” was written above them. In her response to this form the Student Appellant thanks the Advisory Committee for the feedback.

The Student Appellant demonstrated her awareness of the need to write a qualifying examination in the “Request for Extension to Achieve Candidacy” she submitted on August 20, 2022. Under question 1, which asks the reason for the failure to achieve candidacy, she wrote “The third study is under development and I have not yet completed my qualifying exam. Also, a change in supervisor and topic.” Under question 2, which asked about the timetable for achieving candidacy, she wrote “1-6 months. My next committee meeting will be in October 2022 with a qualifying exam completed by December 2022.

Your Committee is satisfied that the Student Appellant was expected to write a qualifying examination to remain in the program and achieve candidacy for the PhD, and that she was aware of this expectation.

ii. Identity of Committee Chair

The Student Appellant pointed out that one of her co-Supervisors, Dr. Suzanne Cadarette, served as the Committee Chair, which she asserts violated a Faculty of Pharmacy rule. The rule to which she refers is plainly stated on the Graduate Department of Pharmaceutical Sciences Advisory Committee Assessment Form, which indicates in bold font: “The Committee Chair CANNOT be the Supervisor or the Co-Supervisor.” [Upper case font in original.]

The Division explains that the purpose of the rule is to make sure that the substantive leader(s) of the Advisory Committee (the Supervisor and Co-supervisor) can focus on academic work with the Student Appellant and not be distracted by the administrative responsibilities of leading the Advisory Committee. However, the Division believes an exception to this rule was appropriate in the case at hand. They characterised Professor Grootendorst as the “primary” supervisor and asserted that Professor Cadarette was a “secondary” supervisor, arguing that because Professor Cadarette was not playing the role of a substantive academic supervisor she was able to serve as Chair to the Committee. These roles were explained during the Initial Meeting the Student Appellant and Professors Paul Grootendorst and Suzanne Cadarette, and Student Support Counselor Elsie Obeng-Kingsley

The Division’s explanation is supported in writing in four instances.

First, in her email dated September 24, 2021, Professor Cadarette wrote an email with feedback about a weekly research report the Student Appellant had submitted. She opens the note with a reminder: “Please keep in mind as discussed during our meeting Wed Sept 22 (Carolyn, Elsie, Paul, you, and I), that my role as co-supervisor is more administrative than typical.”

Second, in describing the changes they made to the Student Appellant’s support system during their Initial Meeting (which was signed by the Student Appellant on September 27, 2021, and by both

supervisors on October 7, 2021) they emphasized the differing roles of each supervisor. In the first heading of the Initial Meeting Form's checklist labelled "during my initial meetings with my supervisor, I have discussed the following topics:," the Student Appellant made a marginal note reading: "Paul Grootendorst, more FYI for S. Cadarette." The substantive topics listed include Professor Grootendorst's name only.

Third, the Appendix 2 "Checklist for Students" Includes a Checklist for Supervisors that has S. Cadarette's name. There are multiple places where the Student Appellant wrote marginal notes indicating the role was secondary to Professor Grootendorst (e.g. "second following Paul," "more Paul," and "Paul leads.") in one place she handwrote "co-supervisor, more administrative/committee member role."

Fourth, in her email dated September 24, 2021, Professor Cadarette wrote an email with feedback about a weekly research report the Student Appellant had submitted. She opens the note with a reminder: "Please keep in mind as discussed during our meeting Wed Sept 22 (Carolyn, Elsie, Paul, you, and I), that my role as co-supervisor is more administrative than typical."

Finally, the form that summarises feedback from each of the four Advisory Committee Meetings identifies Professor Grootendorst as the "Supervisor." It identifies Professor Cadarette as "Suzanne Cadarette (SC) as the "Committee Chair" at the top of the form, and then, under the heading listing other Committee Members it identifies "SC" as the Co-supervisor, with an added parenthetical note: "admin role, not typical co-supervisor."

Your Committee finds that while the Department deviated from its clearly stated rule barring a graduate student's supervisor from acting as Committee Chair, it did so because it determined that Professor Cadarette was not acting as a substantive academic supervisor. This decision was taken deliberately, was disclosed to the Student Appellant, and efforts were made to make sure the Student Appellant had a clear understanding of the modification to Professor Cadarette's role. Your Committee is persuaded that this purely administrative role should not have been barred from acting as Chair to the Advisory Committee, and we are persuaded that the Student Appellant was informed of and agreed to this deviation from the rule. Since the Student Appellant has not pointed to any harm to her progress that was caused by the rule modification she agreed to, we cannot find this point, while technically correct, to warrant reversing the Department's decision to terminate her registration.

We advise the Department to consider altering the language on the form that sets out an absolute bar and allows for reasonable modifications like this one.

f. University Missteps

Finally, the Student Appellant pointed out a handful of missteps taken by the University. There were instances in which the Student Appellant received communications and was treated like a currently enrolled student following her termination. For example, the SGS Centre for Professional Development invited the Student Appellant to speak on a panel for thesis-based students. As the Student Appellant points out, she used this opportunity to effectively demonstrate her leadership skills. It was gracious of the Student Appellant to share her experiences with incoming graduate students despite her change in status. However, the mistakenly issued invitation does not constitute re-registration in the Department. This was an unfortunate error of the kind that is likely to happen at an institution as large as the University of Toronto. Your Committee urges the Department and SGS to confer and update their records regularly to avoid accidents like this occurring in the future. However, an error like this cannot be the basis for establishing a student's academic status.

The Student Appellant indicates that she was also able to upload a document to a platform that is meant to be reserved for current students only. Again, it will be helpful if the Department and the library can be in tighter communication to avoid sending mixed messages like this to students whose status has changed, but considered academic judgements about student eligibility to achieve candidacy cannot be reversed because of technical errors like this.

IV. Conclusion

The Student Appellant's repeated and continued requests to be allowed to enrol in courses demonstrates that she is attracted to the classroom and should be encouraged to pursue her passion for teaching in some capacity. It also demonstrates that she remains unclear about the requirements and expectations of PhD students. It is difficult when a hard-working student like the Student Appellant is unable to succeed despite extensive efforts on her part and on the part of the University. In this case the Student Appellant is clearly a personable, enthusiastic learner who enjoyed doing course work and other aspects of academic life. However, she has been unable to make the transition to a research-focused PhD student. The Department of Pharmaceutical Sciences has provided multiple opportunities to the Student Appellant, copious feedback, and enhanced support for the Student Appellant's success. The Advisory Committee correctly assessed that she was not making progress toward her degree and the termination of her registration is supported by the record in this case. Appeal dismissed.