

**THE UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL**

Report #436 of the Academic Appeals Committee
July 8, 2024

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on March 22, 2024, at which the following members were present:

Academic Appeals Committee Members:

Dr. Erika Murray, Chair
Dr. K. Sonu Gaind, Faculty Governor
Annabelle Dravid, Student Governor

Hearing Secretary:

Nadia Bruno, Special Projects Officer, Office of Appeals, Discipline and Faculty Grievances

For the Student Appellant:

S.G. (the “Student”)

For the Leslie Dan Faculty of Pharmacy:

Dr. Jamie Kellar, Associate Dean, Academic, Leslie Dan Faculty of Pharmacy

I. Overview

This is an appeal from a decision made on November 8, 2023, by the Faculty of Pharmacy’s Committee on Appeals (the “Faculty’s Committee on Appeals”). The Faculty’s Committee on Appeals did not grant the remedies sought by the Student, which included being promoted to Year 2 of her Doctor of Pharmacy program (the “Program”) or to write twelve supplemental examinations for failed Year 1 courses. The decision to not allow the Student to progress to Year 2 of her Program originated from the Faculty of Pharmacy (the “Faculty”) assessing the Student’s performance in Year 1 of the Program. The Student had failed twelve of thirteen courses, and due to a lack of professional competencies required to work with the public, was therefore unable to complete her summer experiential rotation. In accordance with its policies, the Faculty communicated to the Student that the Program requires that the Student repeat Year 1 and pass her courses before she may proceed to Year 2 of studies. The Faculty has, however, considering the circumstances of the Student, made a special accommodation offering the Student to write four supplemental exams, despite the Student’s low annual GPA. To date, the Student has neither accepted nor rejected this academic proposal by the Faculty. Instead, the Student maintains, and this was the basis for her appeal before your Committee, that despite the

Faculty's policies, she essentially ought to be granted greater special consideration to write all twelve exams or, not to write any of the twelve exams and instead be granted a passing path into Year 2 of the Program. Your Committee finds the Student's appeal to be baseless, against the Faculty's policies, and against the best interest of the public. Accordingly, the appeal is dismissed.

II. The Facts

The Student was admitted into the Program from the admissions waitlist three days before the start of the 2022-2023 academic year. The Student did not request to defer her admission. The Student performed poorly in both semesters of Year 1: **she earned a failing grade below 60% in twelve of her thirteen courses**. The Student passed a single course with a grade of 60%, which is the lowest possible passing grade. The Student's final grades were consistent with her performance on term work prior to the final exams. Following the end of the second semester of Year 1, on May 24, 2023, the Registrar emailed the Student to confirm that the Student had failed her Year 1 and that she would be required to re-take all Year 1 courses.

The Student submitted a petition requesting to progress to her Year 2 of studies and to participate in the Year 1 experiential rotation, despite her failing grades. She explained her extenuating circumstances: she was unhoused for two months of the first semester of Year 1 and had suffered physically, mentally, and emotionally from the trauma of grieving her mother's tragic death in late fall of that year. The Student expressed her fervent desire to **graduate on time** both due to family expectations and wanting to **remain with her academic cohort**. The Student had previously filed numerous petitions during the period from November to April, beginning after her mother's death. The Faculty granted these petitions, permitting the Student to extend assignment deadlines and write makeup exams in early 2023 after deferring her five November exams. However, the Student's petition to progress to Year 2 without repeating Year 1 was denied, and **she subsequently sought permission to write twelve supplemental examinations for the twelve of thirteen (12/13) courses that she failed or she sought special consideration to "clear" courses without taking a supplemental examination**.

The Student appealed the denied petitions to the Faculty's Committee on Appeals, asserting that if not for her difficult personal circumstances, she would have been successful. In her own words: "My academic performance was poor, but I attended every lecture, workshop, lab and exam. I learned. I tried my best." (Student's appeal materials, p. 8) The Student also attached a brief medical note from a physician recommending that "for medical reasons" the Student "receive special consideration regarding her failed year" (Student's appeal materials, p. 9).

Essentially the Student sought, and maintained before your Committee, any remedy that would permit her to progress to Year 2 of the Program, including "passing" a course without a supplemental, writing twelve supplementals, or being granted *Aegrotat* standing in her courses.

The Faculty's Committee on Appeals unanimously denied the Student's appeal, citing the Faculty's "obligation to graduate students who are academically capable and competent in their field" (Student's appeal materials, p.10). The Faculty's Committee on Appeals noted that, "there

is not enough evidence that [the Student] met the competencies,” and that allowing the Student to write twelve supplemental examinations was “not realistic”, nor would the Program be “setting [her] up for success” if they allowed the Student to progress to Year 2 based on her academic record (Faculty’s Response, p. 11).

On appeal before this Academic Appeals Committee, the Student repeated her request for *Aegrotat* standing and requested reinstatement to the Program at the Year 2 level. The Student again submitted that her mental health was severely affected by her mother’s passing and that, despite her poor grades, she has “learned all course materials and performed to the best of [her] ability.” In responding to the Student’s appeal, the Division submitted that the Program must uphold its standards, which the Student has not met, and that the Faculty treated the Student fairly and provided appropriate support.

III. Decision

The Student challenges the Faculty’s decision because the decision does not permit her to progress to Year 2. Her overall argument is that in view of her unfortunate and challenging life circumstances throughout her Year 1, it was unreasonable and/or unfair that the Faculty’s special accommodation only allowed the Student to re-write four of the twelve Year 1 exams that she had failed and that the Student must repeat Year 1.

The function of this Academic Appeals Committee is to hear and consider appeals made by students against decisions of faculty, college or school councils (or committees thereof) in the application of academic regulations. Since each division of the University is required to have its own appeal processes, the Committee is in effect a reviewing body and not a forum for fresh decision-making. Put simply, the Committee decides whether the Division’s decision was reasonable. In considering the reasonableness of the decision of the Divisional appeal body, this Committee is to consider the facts and whether the academic regulations and requirements were applied *correctly, consistently, and fairly*¹; and ultimately whether the decision was an unreasonable one, or if it was made through a demonstrably unfair interpretation and/or application of the relevant policies, processes and procedures that were relied upon or invoked in its making.² If the decision was unreasonable or there was an unfair interpretation and/or application of the relevant policies, processes or procedures, only then should the Committee interfere with the decision³.

In order to make a finding on whether or not the Division’s decision was unreasonable or unfair, this matter inherently involved this Committee, in view of the facts, reviewing the University’s Assessment and Grading Practices Policy, the Pharmacy Faculty Calendar on “Grading Practices” and facts of the matter. This Committee finds that the Division’s decision was reasonable and that all other appellant committees showed no unfairness to the Student, but rather compassion. The Division’s decision was more than reasonable and fair in requiring the Student to repeat Year 1 while only being permitted to write four supplemental exams.

¹ Motion Decision 359-1 dated August 25, 2011, page 6

² Report # 413 dated May 10, 2021, page 8

³ *Ibid*

The Faculty’s decision was reasonable; it followed its policies: Failed Year 1

This Committee finds that the Pharmacy Faculty Calendar very clearly provides that: If a student’s annual GPA is less than 1.70, this will constitute a failed year. If a student fails a year, they must get permission to repeat the year and they must repeat the entire year, including all examinations.⁴ Furthermore, this Committee finds that absent a successful petition, students are not to be granted the ability to write any supplemental exams if their annual GPA is lower than 1.70, as was the case of the Student.

Fair petition: no unfair interpretation and/or incorrect application of the relevant policies, processes or procedures

Despite the Faculty following its policies, a student may submit a petition to request special consideration from the Program related to non-compliance with course requirements or impact on academic performance. Petitions must be submitted with supporting documentation that corroborates the basis for the petition. Petitions are submitted to the Registrar, who makes a decision in collaboration with the Program Director, and/or the Faculty’s Committee on Academic Standing, depending on the complexity of the situation and the need for further input.⁵ A student may appeal an unfavourable petition decision to the Faculty’s Committee on Appeals, which is the final decision-making body at the divisional level. Following a hearing, at which a student has the option to be represented by legal counsel and is given a full opportunity to argue their case, the Committee on Appeals sends a written decision with reasons to the student.⁶

In 2022-2023, the Pharmacy Faculty Calendar provided that, “If a petition and/or appeal relates to a particular course, and special consideration is given, this course may be cleared without a supplemental examination.”⁷ This Committee emphasizes the intent being of “a” single course. Furthermore, the Pharmacy Faculty Calendar also clearly provides that the petition process is not “a means to salvage courses and/or the academic record” and is intended for use by students who believe that illness or other circumstances have affected their academic performance or contributed to their non-compliance with course requirements.⁸ Finally, students may not write more than 2.0 credits worth of supplemental examinations. Beyond this limit, students must repeat failed courses and achieve grades above 60% in order to progress to the next year.⁹

The Program clearly and fairly explained why the relief the Student sought should be denied, and it also reiterated a proposal which it had offered to the Student after denying her petition. The Program had created this academic proposal in consultation with the Student’s Coordinator of Student Progress and Support, and this Committee agrees it is fair and reasonable and would best support the Student’s long-term success. Notably, despite the Student not being eligible to write supplemental exams because of her low annual GPA, the Program’s academic proposal would have permitted the Student to write 4 supplemental exams in the summer of 2023 so as to reduce

⁴ 2022-2023 Pharmacy Faculty Calendar (Page 42)

⁵ 2022-2023 Pharmacy Faculty Calendar (Page 41)

⁶ 2022-2023 Pharmacy Faculty Calendar (Pages 20-22)

⁷ 2022-2023 Pharmacy Faculty Calendar (Page 42)

⁸ 2022-2023 Pharmacy Faculty Calendar (Page 41)

⁹ 2022-2023 Pharmacy Faculty Calendar (Pages 41-42)

her courseload (and by extension, her fees) when she repeated the rest of Year 1 in the 2023-2024 academic year.

The Faculty's special consideration was reasonable: petition allowing 'only' four of twelve failed exams to be re-written

This Committee finds that the Faculty followed its academic policies and its decision was reasonable and fair. The program's academic requirements are that a student must achieve the minimum academic competencies in Year 1 before progressing to Year 2. The Student did not achieve the required academic competencies: she failed twelve of thirteen courses. These failures were not marginal: her annual GPA was 0.5 compared to the minimum required 1.70 annual GPA. Furthermore, the Student had not mastered enough course material to even be permitted to attempt her experiential rotation (which would involve direct patient care), which in addition to the course work, is an academic requirement that the Student did not complete as a requirement of proceeding to Year 2.

Though the life circumstances of the Student are certainly unfortunate, the Faculty did follow its policies, and granted the Student special consideration to write 2.0 credits worth of supplemental examinations. There is no reasonable amount of special consideration that ought to be awarded to any student to progress to Year 2 of Pharmacy studies that failed twelve out of thirteen Year 1 exams and who was unable to complete the required summer experiential rotation. Where the Program deviated from its policies and practises, it did so in an effort to accommodate the Student's difficulties and support the Student's long-term success in the program. The Program has gone beyond its obligations in crafting this thoughtful and supportive plan, which was tailored to her circumstances in an effort to extend leniency to the Student, given the hardships she had experienced.

Finally, it is important that this Committee highlight as the Faculty rightfully did: the pharmacy program is a national accredited educational program that must meet all accreditation standards, with the duty owed to the public in ensuring that its students meet all educational outcomes. Accreditation is the public recognition accorded to a professional program that meets established professional qualifications and educational standards through initial and periodic evaluation. The Program met its regulatory obligations to not allow the Student, who had not demonstrated competence in Year 1, to not be permitted to progress to Year 2.

IV. Conclusion

The Student's repeated requests to be allowed to write twelve of thirteen exams she failed in one academic year and to continue with her cohort of classmates, without basis in the Faculty's academic policies, demonstrates that she is attracted to academics and should be encouraged to pursue her passion for post-secondary education in some capacity. It also demonstrates, however, that she is failing to appreciate and acknowledge that the Faculty's course credits directed to a degree in pharmacy must be only awarded to those who demonstrate the requisite competencies, in any given year, under an accredited lockstep program. The Program is required to align its educational curriculum and its evaluation of students with professional competencies in view of the best interest of the public, which your Committee finds it has done. The Faculty has

provided the Student with the opportunity to re-write a maximum of four exams, and if successful, the Student will have a decreased course load and reduced tuition fees. The decision of the Faculty's Committee on Appeals was reasonable, made fairly, and consistent with the University policies. Appeal dismissed.