

UNIVERSITY OF TORONTO
GOVERNING COUNCIL

REPORT NUMBER 293 OF THE ACADEMIC APPEALS COMMITTEE

December 16, 2004

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Monday, November 22nd 2004, at which the following were present:

Assistant Dean Bonnie Goldberg, Chair
Professor Pamela Catton
Ms Françoise Ko
Professor John Furedy
Professor Ian McDonald

Mr. Paul Holmes, Judicial Affairs Officer

In Attendance:

Mr. C., the Appellant
Ms Brenda Thrush, Registrar, Faculty of Pharmacy
Dean Wayne Hindmarsh, Faculty of Pharmacy

The Appeal

The student is appealing the September 1st, 2004 decision of the Faculty of Pharmacy's Appeals Committee, dismissing the student's request to proceed to Year 3 of the Pharmacy program, although he failed to successfully complete PHM222Y1 in Year 2 of the program.

Facts

The student was enrolled in Year 2 of the Bachelor of Science in Pharmacy (B.Sc.Pharm.) program in 2003-2004. He was informed in a letter from the Faculty of Pharmacy Registrar, dated June 4, 2004, that he had failed to successfully complete PHM222Y1 Medical Chemistry, having obtained a total cumulative grade of 38%. As per Faculty policy, on August 3, 2004, the student

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wrote a supplemental examination in the course. He received a letter on August 18, 2004 indicating that he had obtained a grade of 44% and thus failed the supplemental examination. The student was not permitted to proceed to Year 3 and was required to repeat the course during the 2004-2005 session.

The student met with the Faculty's Registrar on Monday August 23rd to discuss his situation. The student explained the financial hardship he would encounter if he was required to re-take Medicinal Chemistry as a part-time student in 2004-2005. The student had had to reduce his summer work hours in order to study for the supplemental examination, which put financial pressure on his family. He contributes financially to his family, which includes three brothers, a mother who does not work outside of the home and a father who is on a fixed income disability pension. The student would incur commuting costs between London and Toronto. His OSAP funding would be in jeopardy as a part-time student, and he would be required to pay back his undergraduate OSAP loan as a part-time student.

The Registrar advised the student that he was still eligible for OSAP and that the Faculty would consider him for bursary support. The student was advised to investigate an "interest relief" loan program. The student inquired about appealing the decision. After consulting with the Dean, the Registrar indicated that although the Appeals Committee does not typically consider financial hardship as a ground of appeal, and despite the fact that he had not previously submitted a petition, as is ordinarily required, he was permitted to appeal to the decision. The student was informed that the Appeals Committee was meeting on September 1st.

On August 26th, the student submitted an appeal asking the Appeals Committee to allow him to enter Year 3 without having met the academic requirements specified by the Faculty of Pharmacy. He also noted in an email to the Registrar that he would be willing to write a second supplemental exam in the course. On August 30th, the student received a letter indicating that his appeal would be heard on September 1st in Toronto.

Previous Decision

Due to a conflict with work, the student did not attend the Appeals Committee hearing on September 1st, nor did he advise the Faculty that he would not attend. The Committee gave the student a thirty-minute grace period to appear, and attempted unsuccessfully to contact him by telephone. Having received no indication of why the student failed to appear, the Committee considered the appeal in the student's absence. Based on the student's grounds of appeal, the Committee found that "there was no substance to the request in terms of the mandate of the Appeals Committee." The Appeals Committee considers requests for relief by unsuccessful students who fail as a result of extenuating circumstances. The student in this case was appealing on purely financial grounds unrelated to the failing grade.

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On September 2nd, the student was informed that his appeal had been dismissed and informed of his right to appeal to the Academic Appeals Committee of Governing Council. On September 14th, the student wrote to Dean Hindmarsh requesting a reversal of the Faculty of Pharmacy Appeal Committee decision. In a September 17th letter, the Dean responded that academic performance, not individual students' financial hardship, determines whether a student proceeds in the program.

Decision

Your Committee is unanimously of the view that the student's appeal should be dismissed and agrees with the Appeal Committee's decision that there is no merit to the student's appeal.

Students enrolled in the Bachelor of Science in Pharmacy program must successfully complete all of the academic requirements of the previous year before proceeding to the next year. Specifically, students must earn a passing grade in each course and obtain an annual grade point average of at least 1.7. If a student fails a course, but meets the minimum GPA, the student must write the first offered supplementary examination in that course and obtain a grade of at least 50%. If the student fails the supplemental examination, the student must successfully complete the course requirements before proceeding.

The Pharmacy program is rigorously structured so that each year of the program feeds into the next year. Students are required to complete all the courses as scheduled, many of which comprise pre-requisites or important building blocks for the work that follows. Year 3 of the program is made up of 11 courses, 8 of which began on September 9th and none of which the student has started. The student has not completed the pre-requisites for the 3 courses which begin in January. One of the courses conflicts with PHM222Y1 that the student is currently taking. Your Committee agrees with the Faculty's contention that it would be extremely difficult, if not impossible, for the student to make up more than two months of missed lectures, laboratories, mid-term examinations, and other course evaluations.

In October, the student began attending lectures in PHM222Y1, commuting between London and Toronto. The Faculty provided him with \$500 in emergency financial assistance to assist with commuting costs. The student was offered further financial assistance from the Faculty to subsidize his interest payments. The Faculty also approved a tuition fee deferral. The student was advised to negotiate a line of credit through the Scotia Professional Student Plan. The student indicated that although he met with a Scotia bank representative, he has not pursued this option.

The Faculty of Pharmacy offered this student extraordinary and valuable assistance. In particular, the Faculty allowed the student to appeal his decision despite irregularities and his failure to follow procedure. The Appeals Committee gave the student the benefit of the doubt when he failed to appear at the hearing. The Faculty met with the student at least twice to provide him

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with concrete and appropriate methods and resources to ameliorate his financial situation. The Faculty continues to provide the student with assistance and has also provided the student with monetary assistance.

Your Committee has sympathy for the appellant's financial difficulties. We appreciate that he was performing adequately to above average in his other courses, and the failure (two times) of this course came as a surprise. However, the student did not take proactive steps to improve his performance in the supplemental exam, nor had he sought out academic assistance from the Faculty when he first began to experience difficulties in the course. The student has also not exhausted all available means of financial support.

At the hearing, the student alleged that the Faculty has treated other students differently. Your Committee accepts the Faculty's submission that any student treated differently after failing a supplemental examination experienced extenuating circumstances directly related to academic performance. Your Committee finds that the Faculty has treated this student as fairly as possible, even when he did not attend the hearing, and provided him with every opportunity to both have his case heard and continue in the program on a part-time basis.

The Appeals Committee had no jurisdiction to offer academic relief due to financial considerations that had no bearing on his previous performance in the course. We heard no evidence of any other extenuating circumstances that would enable this Committee to come to a different conclusion. For these reasons, the appeal is dismissed.

Paul Holmes
Secretary

Bonnie Goldberg
Chair

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