

UNIVERSITY OF TORONTO GOVERNING COUNCIL

Report #325 of the Academic Appeals Committee April 18, 2008

To: The Academic Board,
University of Toronto

Your committee reports that it held a hearing on Monday February 25, 2008, at which the following were present:

Ms. Kate Hilton, Chair
Mr. Arya Ghadimi
Professor Glen Jones
Dr. Louise Lemieux-Charles
Professor Michael Marrus

Ms. Nancy Smart, Judicial Affairs Officer

In Attendance:

Mr. F. Z. (the "Student")
Mr. Steven Frankel (Representative for the Student)
Professor John Scherk, Interim Vice-Dean, UTSC
Ms. Sherylin Biason, Registrar, UTSC

The Appeal

The Student is appealing the decision of the UTSC Sub-Committee on Academic Appeals, dated April 11, 2007, which denied him permission to write a deferred exam in the 2006 Fall Session course ECMA04H3F. In his appeal before this Committee, the Student renewed his original request for permission to write a deferred exam. In his submissions, he offered two alternative remedies for the Committee's consideration in the event that the Committee did not decide to allow him to write a deferred exam: first, that he be allowed to write a deferred exam with a 15% grade reduction; and second, that he be allowed to withdraw from ECMA04H3F without academic penalty on the basis of non-attendance.

Facts

The Student entered Canada in May, 2006 from Beijing, China as a student in the Green Path Program at UTSC. The Green Path Program provides intensive English language training to international students entering a four-year undergraduate program. Following this summer ESL program, the Student enrolled in the Honours Bachelor of Science Program at UTSC in the 2006 Fall Session. His 2006 Fall course load included ECMA04H3F.

Students in ECMA04H3F were evaluated according to their performance on two term tests and a final examination. The term tests were worth 20% and 30% respectively, and the final exam was worth 50%. However, if a student in the course failed to write either of the term tests, for any reason, the weight of that term test was automatically added to the final exam.

The Student stated that he felt he would be able to achieve a higher grade in ECMA04H3F if he had more time to prepare. He therefore decided not to write either of the two term tests. Consequently, his final examination was worth 100% of his overall grade in the course. The examination was scheduled for Saturday December 9, 2006, from 9:00 a.m. to 12:00 p.m.

The night before the examination, the Student became ill with a fever of 39°C. On the morning of the examination, the Student still had a fever and determined that he could not write the examination. The Student took the bus to the UTSC Health and Wellness Centre in order to see a doctor and to obtain a medical certificate. However, when he arrived, he discovered that the Health and Wellness Centre was closed for the weekend. The Student then attempted to seek medical attention off-campus, but discovered that he could not access free medical care without the University Health Insurance Plan (UHIP) card issued by the University to international students. The Student did not have a UHIP card. The Student was convinced that the cost of accessing medical services without a UHIP card would be prohibitive. The Student therefore returned home and rested. The following Monday, he returned to the Health and Wellness Centre to obtain a medical certificate. However, by this time, the Student had recovered and was no longer showing symptoms of illness. He was therefore unable to obtain a medical certificate to verify his illness.

On January 4, 2007, the Student petitioned for a deferred examination in ECMA04H3F. The petition was denied, and he received a grade of zero in the course. On March 26, 2007, the Student filed an appeal with the UTSC Subcommittee on Academic Appeals. His appeal with respect to ECMA04H3F was denied. The UTSC Subcommittee relied on the UTSC policy in relation to medical documentation, which states: "Medical documentation for examinations missed because of illness must be obtained on the day of the examination whenever possible." The UTSC Subcommittee did not accept that the Student had made best efforts to acquire medical evidence in support of his illness. It stated that the Student ought to have known that he needed a UHIP card, but that he had neglected to acquire one. Moreover, the UTSC Subcommittee stated that the Student should have done further investigation into the cost of obtaining medical services without a UHIP card. Finally, the UTSC Subcommittee noted that, having failed to write either of the two term tests, the Student was aware that his entire grade rested on the final exam. In light of this, the UTSC Subcommittee stated: "If, for any reason, the exam could not be written at that time, it was your responsibility to obtain solid documents to justify the event."

On July 10, 2007, the Student appealed to the Academic Appeals Committee of Governing Council.

Decision

This Committee is of the view that the appeal should be allowed, and that the Student should be permitted to write a deferred examination in ECMA04H3F.

This Committee accepts the evidence of the Student that he made best efforts to obtain medical documentation on the day of the examination. This Committee finds that the Student had a reasonable expectation that he would have access to the Health and Wellness Centre on the day of his examination, although the examination was scheduled for a Saturday. While this Committee agrees that it was the Student's responsibility to obtain medical documentation, this Committee finds that the Student discharged his responsibility to the extent possible in the circumstances. This Committee also agrees with the UTSC Subcommittee that it is not desirable for students to concentrate the full weight of their grade on a final examination. However, since UTSC permits students to select this option, there is no basis for insisting that a student who misses an examination worth 100% of his grade has a greater responsibility to provide "solid documents to justify the event" than a student who misses an examination worth less than 100% of the final grade.

Having determined that the Student should be permitted to write a deferred examination in ECMA04H3F, it was not necessary for this Committee to consider either of the alternative remedies proposed by the Student.

The appeal is allowed.

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

**Report #326 of the Academic Appeals Committee
July 2, 2008**

To: The Academic Board,
University of Toronto

Your Committee reports that it held a hearing on Thursday June 19, 2008, at which the following were present:

Assistant Dean Kate Hilton, Chair
Professor Joel Kirsh
Professor Michael Marrus
Mr. Alexandru Rascanu
Professor Anthony Sinclair

In Attendance:

Ms. A. S. (the "Student")
Professor Susan Howson, Vice-Dean, Undergraduate, Faculty of Arts and Science (the "Faculty")
Ms. Elaine Ishibashi, Associate Faculty Registrar, Faculty of Arts and Science
Ms. Sari Springer, Counsel for the Faculty of Arts and Science
Ms. Nancy Smart, Judicial Affairs Officer
Ms. Mette Mai, Office of the Governing Council

The Appeal

The Student is appealing the June 18, 2007 decision of the Academic Appeals Board of the Faculty denying her request for an extension of time to submit term work in HIS343Y, POL214Y and POL354Y.

Facts

The Student enrolled at Victoria College in an Honours Bachelor of Arts program (History and Political Science) in September 2003.

In the academic year 2005-2006, the Student's third year of study, she was enrolled in a full course load which included HIS343Y, POL214Y and POL354Y. The course requirements in each of HIS343Y, POL214Y and POL354Y included a mid-term assignment, worth 25 percent of the final grade. These assignments were due on March 15, 2006, February 28, 2006 and February 13, 2006, respectively. The course descriptions for each course made it clear that late work would be subject to a penalty.

According to the Student, at some point between February 7 and February 10, 2006, the Student's brother became ill with an infection. The Student stated that she was very involved

with her brother's care, and that she was required to stay up at night with him in order to administer medicine and to prevent sleep-walking. Because of her brother's illness, the Student requested and received an extension of time to submit the mid-term essay in POL354Y; the due date was extended from February 13 until February 17. The Student stated that she then became ill for a period of several weeks, and consequently failed to submit the mid-term essays in HIS343Y, POL214Y and POL354Y.

The Faculty's calendar clearly states: "The University of Toronto Student Medical Certificate must be submitted in support of a request for an exemption from Faculty regulations, if illness is being used as the reason for the request." However, the Student was unable to provide the medical documentation required by the Faculty in such cases. She received a failing grade in all three courses.

Preliminary Motion

At the beginning of the hearing, the Student brought a motion to exclude evidence of several petitions, mentioned briefly in the Faculty's submissions, on the basis that these petitions were not at issue in the present case. She also brought a motion to introduce evidence of academic performance (an updated statement of grades from ROSI) and character (a reference letter in support of her participation in a UNDP internship program). It was decided that all evidence would be considered by the panel, and that the Chair would instruct the panel with respect to the relevance of the evidence and the weight to be given to it.

Previous Decisions

On May 4, 2006, the Student petitioned the Faculty's Committee on Standing for an extension of time to submit term work in HIS343Y, POL214Y and POL354Y. In support of her petition, the Student provided two pieces of medical documentation. The first, an official University of Toronto Medical Certificate, was dated February 15, 2006. This certificate stated that the Student's younger brother had become ill on February 12, that he "was sick at home with fever and a cough" and that the Student "was helping to look after him." The second piece of medical documentation was a note written on a prescription pad, dated February 20, stating only: "This is to confirm that [the Student] was in my office on Feb 17/2006."

The Committee on Standing issued three separate decisions (one for each course) dated June 30, August 9 and August 17, 2006. All three petitions were denied on the basis of insufficient medical documentation.

On September 19, the Student appealed a second time to the Committee on Standing, providing further details about her illness during the months of February and March, 2006. The Student stated that she became ill with the flu while caring for her brother, and went to see her doctor on February 17, 2006. This illness continued for several weeks, but she did not return to see her doctor until March 16, 2006, at which time she was suffering from a sore throat and fatigue. In support of her appeal, the Student provided one new piece of medical documentation: a note written on a prescription pad, dated August 22, 2006. The note read: "This is to confirm that [the Student] came to my office on March 16/2006 with a medical illness."

On December 15, 2006, the Committee on Standing denied the Student's appeal. The decision stated:

You have not followed the required procedures for seeking extensions of time during the session and have not provided an acceptable medical certificate that clearly establishes that you were seriously ill prior to the deadlines or afterwards....The medical documentation should be written by a physician who can confirm that you were treated at the time of your illness, and can provide reliable information about the onset of an illness, its course and its effect on your ability to complete your course work.

On March 2, 2007, the Student appealed to the Faculty's Academic Appeals Board. In her submissions, the Student stated that she "was very ill for about 4 weeks" in February and March of 2006. She stated that she sought medical help twice during her illness, on February 17 and March 16, but did not think to ask for a medical certificate at the time. She stated that it was against her physician's policy to provide a medical certificate after the fact, and that he could only confirm that she had visited his office.

On June 18, 2007, the Academic Appeals Board denied the appeal, indicating that the Student had not offered "any new or compelling information" that would have allowed the panel to overturn the decision of the Committee on Standing.

Decision

The Faculty's policies relating to the provision of medical documentation are clearly stated in the calendar and set expectations for students that are appropriate in light of the Faculty's responsibility to uphold high academic standards. The question before this Committee is whether or not an exception should be exercised in this case because of compelling and unusual circumstances.

In the present case, the Student argues that she was so ill from mid-February until mid-March that she was unable to submit three separate essays, due February 17 (extended due date), February 28 and March 15. However, there is no independent medical evidence to confirm the Student's account. As stated earlier, there is a University of Toronto Medical Certificate, dated February 15, 2006, that confirms her younger brother's illness between February 12 and 15. In addition, there is a note, dated April 30, 2008, that states: "This is to confirm that [the Student] was up at nights helping to look after her sick younger brother, who had an infection in mid-February 2006, and therefore she was unable to hand in 2 assignments on time at that time." With respect to the Student's own illness, we have a note confirming the Student's presence in the doctor's office on February 17, and a note confirming that the Student visited the doctor's office on March 16 "with a medical illness". There is no independent confirmation of the Student's illness between February 17 and March 16, and no indication in the existing medical notes that the Student required accommodation to complete her assignments.

The majority of the Committee is of the view that there are no exceptional circumstances in this case that would justify the setting aside of University policy. Consequently, the majority of the

Committee believes that the decision of the Faculty's Academic Appeals Board is reasonable, and should be upheld.

One member of the Committee is of the view that an exception to University policy should be made, based on the oral evidence provided by the Student.

The appeal is dismissed.

THE UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT # 327 OF THE ACADEMIC APPEALS COMMITTEE

August 14, 2008

Your Committee reports that it held a hearing on Wednesday, June 11, 2008, which was continued on June 18, 2008. Your Committee also met *in camera* on July 10, 2008, to deliberate upon its decision in this appeal. The following members were present:

Professor Emeritus Ralph Scane (Senior Chair)
Professor Clare Beghtol,
Dr. Gerald Halbert,
Professor Glen Jones,
Mr. Alex Kenjeev.

Secretaries:

Ms Nancy Smart, Judicial Affairs Officer.
Ms Mette Mai.

In Attendance:

For The Student Appellant:

Mr. Zak Muscovitch (Counsel).
Mr. H. L. D. (the Student)
Mr. D. Sawh

For the Faculty of Medicine:

Ms Sari L. Springer (Counsel)
Ms Fiona Cherryman,
Ms Gwen Llewellyn

This is an appeal from the decision of the Appeals Committee of the Faculty of Medicine (the Faculty), dated November 17, 2006, which dismissed an appeal from the Board of Examiners (BOE) of the Medical Radiation Sciences Program (the Program) dated September 5, 2006. This latter decision accepted the recommendation of the Radiological Technology Program Review Committee that the Student be dismissed from the Program.

The Program is jointly offered by the Faculty and the Michener Institute. The two institutions confer upon a student who successfully completes the three – year program a B.Sc degree and diploma respectively. One of the disciplines offered by the Program, and the one in which the Student was enrolled, is Radiological Technology.

The Radiological Technology stream is constructed to offer students almost entirely didactic, theoretical courses during the first two years of the Program, although there is a required clinical practicum course during the Summer term which ends the second year. In the third year, there are sixteen – week clinical practicum courses in each of the Fall and Winter terms.

The Student acquired a degree or degrees in medicine abroad. English is not his native language. He entered the Program in 2002. He successfully completed the requirements of the first two years. His instructors noted that he was having some language difficulties, and provided some support through an ESL consultant.

The Student commenced the third year of the Program in the Fall term of 2004. In that term, he was required to take only two “courses”, a clinical project and Clinical Practicum II. The project was completed successfully, but the Student had difficulties in the practicum course. After the course ended, the BOE decided to place the Student on a program – initiated leave of absence with remediation. A remediation plan was devised, which the Student completed successfully during the Winter term of 2005. In accordance with the BOE decision, the Student then, in May, 2005, returned to repeat Clinical Practicum II with the status of “Remediation with Probation”.

The Student’s instructors and supervisors in that Practicum were dissatisfied with the Student’s performance to the extent that the Program Review Committee recommended his dismissal from the Program and the BOE, in a decision dated July 19, 2005, accepted this recommendation. This decision was appealed to the Appeals Committee of the Faculty. That Committee allowed the appeal, in a decision dated August 16, 2005. The Student accordingly was readmitted into the Program and repeated Clinical Practicum II in the Fall term of 2005. The Student successfully completed this repeated practicum, and proceeded, in the Winter term of 2006, to start Clinical Practicum III, still on probation.

During this practicum, at Scarborough General Hospital (SGH), the Student’s supervisors were noting the same type of flaws in his performance that had led to the failure in Practicum II. Generally, these were lapses in technical application, problems in properly positioning patients, difficulty in communication, a tendency to reject or react adversely to critical appraisals, and difficulty in adapting his techniques to the more difficult challenges sometimes met in a major primary care hospital’s radiology department. The Faculty acknowledges that he was generally competent in dealing with basic, more set-piece assignments, but the supervisors were concerned that the Student was performing sufficiently below the level to be expected of one at his stage of the Program to concern them. The Student does not accept that these concerns were justified.

On the issue of communication problems, your Committee observes that these were not only translation type problems, although this aspect, for which the Faculty had supplied the Student with support, was present. Of greater concern was a too-frequent lack of a good sense of how and what to communicate to patients, both verbally and non-verbally, as he prepared them for the required x-rays.

The Student proposed to take a leave of absence of about one month from about mid-May to mid-June, 2006, to visit his homeland. On May 3, 2006, the Chair of Medical Radiation Sciences wrote to the Student. This letter advised the Student that he had not satisfied all the requirements of the practicum and that he was being granted a four – week extension of his placement at SGH in order to complete them. The matters to be completed and, in one case, repeated, were set out. The Student was warned that, if the requirements were not met within the extension period, which was timed to take place after his return from his intended visit home, there would be no further extension of the practicum.

Upon his return from his leave, the Student resumed his extended practicum at SGH, on June 26, 2006. On June 27, an “incident” (to be described later) involving the Student and a patient was observed and reported by a medical radiation technologist. Ms Llewellyn, the Clinical Coordinator in Radiology at SGH, was away that day, but returned to SGH on June 28, 2006. On hearing about the occasion from the technologist, and consulting the Program’s Clinical Liaison Officer, she prepared and filed an “incident report”. The Clinical Liaison Officer reported the allegations to the Chair of the Medical Radiation Sciences Program. Program officers decided to place the Student on a “Program Initiated Temporary Leave” (PITL), due to a perceived risk to patients. Subsequently, the Radiological Technology Program Review Committee recommended that the Student be dismissed from the Program, and the BOE acted upon this recommendation in its decision of September 5, 2006. The Student, who was never allowed to return to the practicum after being placed on PITL, was thus terminated, in practical terms, from the Program about four weeks before his practicum, as extended, would have normally ended.

The Faculty’s position is that the “incident”, serious as it was, was not the sole justification for the decision to terminate the Student. It was the substandard performance which, capped by this episode involving danger to a patient’s health, led to the conclusion that the Student could not be allowed to continue in the Program. Nevertheless, the “incident” was the event which triggered the termination process, and your Committee believes that, if it had not occurred, then (barring a subsequent similar event), the Student would have been allowed to finish his extended term. He would then have been evaluated on the entire practicum in the usual way, and might or might not have been passed.

Essentially, the Faculty decision which is challenged here is a decision based upon an evaluation by the University’s examiners. If the evaluation was correct, the ultimate termination decision was justified. Leaving aside momentarily the fact that the occurrence of the “incident” is challenged by the Student, and also the possibility of bias tainting the evaluations, the appeal would necessarily fail at this point. In a recent decision of another panel of Your Committee, #323, dated March 13, 2008, it was said:

Your Committee has on many occasions indicated that it cannot and will not remark examinations or papers that have been evaluated by the examiners appointed by the University, and the same is true for clinical assessments where these are part of the evaluation process. [T]he overall evaluation of the numerous individual appraisals is what matters, and your Committee cannot interfere with the judgment of the Faculty on the grounds that the judgment was wrong, if it was fairly arrived at.

Your Committee would add that this passage is as applicable to an assessment that a certain action or collection of actions merits immediate suspension from a practicum on the grounds of patient safety as it does to any other evaluation.

The majority of your Committee finds that the decision was fairly arrived at. It finds no evidence of any bias against the Student which could have tainted the decision. It was suggested that the radiation technologist who witnessed and reported the incident may have been influenced against the Student because a low assessment he gave to the Student on some previous work had been raised substantially when the Student appealed to a more senior member of the Program, but your Committee did not find that the evidence on this point raised a reasonable perception of bias on the part of members of the Program and the Faculty who made the decision, first to suspend, and then to terminate the Student. The allegation may be weighed in assessing the credibility of the evidence of the technologist who reported the "incident", but it did not otherwise impinge upon the decisions to place the Student upon PITL, or subsequently, to terminate him from the Program.

This brings your Committee to the "incident". The happening of the "incident" is denied before your Committee, and the Student has adduced evidence from the very patient whose safety was supposed to be at risk, corroborating the denial. Your Committee holds that, in the circumstances of this case, if the "incident" did not happen as alleged, it could affect the vital issue as to whether the evaluations which led to the crucial decisions were "fairly arrived at". The decision to suspend immediately, although made in good faith, could then be fundamentally flawed, and, if so, justice would then require at least that the Student be allowed to finish out the practicum before being evaluated.

On June 27, 2006, Mr. D. Sawh, then a 42 year old man, came to the Emergency Department of SGH with an injured right shoulder. He had fallen from a bicycle several days before. He had consulted his own doctor earlier on June 27, 2006, because the pain in his shoulder was continuing. His doctor referred him to SGH Emergency for treatment. Initially, staff in the emergency department placed his arm in a sling, which he described as binding his arm tightly against his body, immobilizing it. He was then wheeled on a gurney to the "Fast Track" section of the Emergency department for X-rays and treatment. His shoulder was in fact fractured and dislocated. The Student took Mr. Sawh, and the x-ray instructions, into the X-ray area, Mr. Sawh got off the gurney, and the Student commenced to take the prescribed X-rays.

Mr. Paul, a medical radiation technologist at SGH, was on duty at the time, but not in the room where the Student was x-raying Mr. Sawh when the x-ray procedure started. In a sworn written statement filed with your Committee, he stated that he was in an adjacent room when he noticed that the Student was x-raying Mr. Sawh. He stated that this concerned him, first because

the Student should have consulted with him before taking images, but also because Mr. Sawh's arm was out of the sling. Mr. Paul deposes that he then entered the imaging room, placed the arm back in the sling, and took a third prescribed x-ray himself. The Student had taken two images previously. The removal of an arm from a sling is a breach of SGH protocols for x-raying this type of possible injury, and it is essentially this alleged act which was at the core of the "incident", and which the Program's officials considered serious enough in all the circumstances to require immediate suspension of the Student.

Subsequently, Mr. Sawh was replaced on the Gurney and taken out of the X-ray unit for treatment. He was given a drug which rendered him unconscious, the fracture and dislocation were treated, and he awoke with a new sling. Later, he left the hospital.

The Student denies that he removed the patient's sling, or that the sling had been removed while he was x-raying Mr. Sawh, or that he manipulated in any way the injured arm and shoulder. In this he is supported by Mr. Sawh who both supplied a sworn written statement and attended in person as a witness at the hearing. He swore that the Student had assisted him off the gurney, placed him standing before a "wall" and had taken an exposure when a second man entered the area, watched the Student take a second image, and then took a third image himself. He was emphatic, both in his written statement and in his oral testimony, that at no time did the Student ever manipulate his injured arm or shoulder, and that the sling remained on at all times.

Mr. Paul's sworn statement says, "I havereviewed the two images taken by [the Student]. One was with an internal rotation and one was with an external rotation. The external rotation could not possibly have been achieved if the patient's arm had remained in the sling". However, Dr. Cameron, an orthopaedic surgeon, reviewed the x-rays at the Student's request in March, 2008. His report letter, dated March 14, 2008, includes the statement, "[n]o x-rays were done which would require removal of a sling. A sling cannot be seen on an x-ray.....I cannot tell therefore if the patient was or was not wearing a sling based on the x-rays."

Although Mr. Paul's evidence was submitted in a sworn written statement, he did not attend the hearing and was not available to be cross-examined on behalf of the Student or questioned by your Committee. No explanation was offered as to why he was not at the hearing, other than that the Faculty had decided against calling him. Under these circumstances, your Committee was charged by the Chair that they might, but need not draw an inference adverse to the Faculty from his failure to appear for questioning.

The Faculty did not attempt to question Mr. Sawh's honesty, but did question the accuracy of his recollection, both because of the lapse of time and because, after the x-ray examination, he had received a drug to render him unconscious for treatment. This drug, according to the evidence of a professor of pharmacology filed with your Committee, sometimes causes amnesia with respect to events which occur "almost concurrently to and after the drug administration". His note also stated that "patients are also unaware that their memory has been impaired". Unfortunately, your Committee was not given any evidence as to the possible scope in time of the phrase "almost concurrently".

Your Committee also had before it reports of two meetings held between the Student and the Clinical Liaison Officer, Ms Sands, and other representatives of the Program. In the report of the first meeting, held on June 29, 2006, in the presence of Ms Llewellyn, it is stated, "[the Student] insisted that he did not remove the patient's sling but that the patient had removed it." In the report of a further meeting between the Student, Ms Sands and two other Program members, held on July 4, 2006, it is stated, "[the Student] insisted that he did not remove it [the sling] but that the patient did because it was easier for the patient to move his arm without the sling".

Your Committee is divided upon the proper finding to be made upon the happening of "the incident". Your Committee was instructed by the Chair that, in matters such as this which have grave consequences on a professional career, Ontario courts insist that courts and tribunals such as this one act on "clear, convincing and cogent evidence", although, given that evidence, issues are still to be decided on the civil standard of proof, i.e., the balance of probabilities, and not the criminal standard of "beyond reasonable doubt".

The majority of your Committee finds that the incident happened substantially as described by Mr. Paul. They believe that Mr Sawh was honest, in that he believes what he told us was true, but that time, or in the alternative, the drug administered to him have made his memory unreliable. The Student has given different and incompatible explanations regarding the sling. Therefore, the majority finds that the Program was not acting under a false assumption as to a key and fundamental fact when the Student was suspended and then terminated, and there is therefore no basis to challenge the evaluations which led to the Student's dismissal. The majority would dismiss the appeal.

The minority finds that the evidence before your Committee, of which the evidence of Mr. Sawh in particular was not available when the Program recommended termination, was not sufficiently "clear, convincing and cogent" to justify suspending the Student from the normal completion of his practicum and thereby destroying his right to be adjudged on his performance over its full term, as previously extended by the Program. The Faculty could not simply change its mind about granting the four week extension after the Student had entered upon it, and no evidence was introduced of any factor, other than that of "the incident", which could justify the interruption, given the Faculty's previous decision to grant the extension. Had the Program officials been aware of the conflicting independent evidence heard before your Committee, they, being equally subject to the requirement of acting only upon "clear, convincing ad cogent" evidence, could not properly have invoked the summary dismissal procedure of the PITL process nor recommended termination, and the BOE, subject to the same requirement, could not properly have ordered the termination. The minority would allow the appeal and permit the Student to complete the balance of his practicum, before being evaluated upon the entire practicum.

The appeal is dismissed.