

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 60 OF THE ACADEMIC APPEALS BOARD

January 20th, 1981

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a meeting on Tuesday,
January 20th, 1981 at 2:00 p.m. in the Council Chamber, Faculty of Pharmacy,
at which the following were present:

Professor J.B. Dunlop (In the Chair)
Mr. Paul W. Beame
Professor W.E. Grasham
Mrs. Frances Jones

Professor R.M.H. Shepherd
Mr. Thomas H. Simpson
Professor Victor G. Smith
Miss M. Salter, Secretary

In Attendance:

Mr. S.

Dr. B.D. Mitchell
Assistant Dean and Secretary
Faculty of Dentistry

THE MEETING WAS HELD IN CLOSED SESSION

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

1. Mr. S.

At its meeting on January 20th, 1981, the Academic Appeals Board heard the appeal of Mr. S. against the decision of the Appeals Committee of the Faculty of Dentistry refusing to waive the Faculty's regulations and allow him a further opportunity to write examinations in two subjects which he had failed at the annual examinations of the first year in 1980 and again on the supplementals. As a result of these failures the appellant had been required to withdraw from the Faculty. The decision of the Board is that the appeal should be dismissed.

The appellant's grounds of appeal to this Board were somewhat different from those that had been argued unsuccessfully before the Faculty's Committee. On the earlier appeal the appellant emphasized the stress that had been on him as a result of financial problems and business commitments he made in the course of attempting to earn sufficient money to maintain himself. The result of the stress was an attack of hives which the appellant experienced just before his spring examinations and for which he sought medical attention. The appellant's argument that the Committee should grant him relief was based primarily on compassionate grounds. Before this Board the appellant presented documentary evidence that the hives were the result of an allergic reaction and that the medication he took to control the itching had the side effect of causing drowsiness and decreased ability to concentrate. The appellant emphasized that this side effect would have coincided with his last term test in one of his failing subjects and the final examinations in both of them. He argued that when a student has medical grounds for failing the Faculty often allows him or her to write supplementals and treats those supplementals as though they were the first occasion on which the student is being examined. Hence, if the student fails on those examinations he or she is given another opportunity the following year. The Faculty representative agreed that this occurs in appropriate cases. However the Faculty's regulations state:

Petitions for consideration with regard to the annual or supplemental examinations on account of sickness, or other causes beyond control must be filed with the Secretary of the Faculty on or before the last date of the examinations, together with a doctor's certificate stating that the candidate was examined at the time of the illness or in the case of other causes, any relevant documentary evidence.

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1. Mr. S. (Cont'd)

The appellant, of course, made no such petition, bringing the illness to the Faculty's attention for the first time in his appeal to the Appeals Committee and raising the consequences of the medication only after that appeal had been dismissed. He could offer no valid reason for failing to lodge a petition as required saying only that he thought he might have passed and when he found out that this was not the case he decided to write the supplementals. The Faculty's regulation cannot simply be ignored and the Board cannot grant the appellant the relief he seeks in respect of the final examinations.

As to the supplementals, the appellant indicated that he had failed to allow enough time to prepare himself because of his summer work commitments. Failure adequately to prepare for examinations is perhaps the most common reason for failure but it has never been a justification for being given another opportunity.

Thus the appellant is subject to the following regulation:

Any student who, after supplementals, fails to achieve standing in his first year of attendance will be judged to have failed the year and will retain no credit in the Faculty of Dentistry for any course of the year. He will be required to withdraw from the Faculty.

The result is harsh and there can never be any pleasure, as the Appeals Committee indicated, in enforcing it. Nevertheless the appeal must be dismissed.

Appeal dismissed.

Secretary
January 27th, 1981

Chairman