

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 70 OF THE ACADEMIC APPEALS BOARD

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a meeting on Wednesday,
August 26th, 1981 at 2:30 p.m. in the Council Chamber, Faculty of Pharmacy,
at which the following were present:

Professor J.B. Dunlop (In the Chair)
Professor W.E. Grasham
Professor John R. Percy
Mrs. Joan R. Randall

Professor Victor G. Smith
Ms. Christine M. Vercoe
Miss D. Taynen, Acting Secretary

In Attendance:

Mr. G.
and counsel
Mr. Jack Greenberg

Dean A.R. Ten Cate
Faculty of Dentistry

Mr. M.
and counsel
Mr. Ian J. Roland,
Cameron, Brewin & Scott

THE MEETING WAS HELD IN CLOSED SESSION

THE FOLLOWING ITEMS ARE REPORTED FOR INFORMATION

1. Mr. G.

At its meeting on August 26th, 1981 the Academic Appeals Board heard the appeal of Mr. G. against a decision of the Appeals Committee of the Faculty of Dentistry denying his request to be allowed to repeat four courses "in which he failed to obtain passing grades, by reason of illness". An alternative request to the Board was to be allowed to repeat the entire year. The decision of the Board is that the appeal should be dismissed.

The appellant failed Oral Anatomy in the fall term and Histology, Gross Anatomy, Biochemistry, and Oral Biology in the spring term. In the fall term he passed Physiology when his final mark was raised from 59 to a C. In the spring term he passed Nutrition and the two pre-clinical courses, Dental Material and Restorative Dentistry. In accordance with the rule applicable to the 1980-81 academic year the appellant was allowed to write supplementals in all of the failed courses between the 6th and the 17th of July. He passed Oral Anatomy but failed Histology, Gross Anatomy, Biochemistry and Oral Biology.

The basis of the appeal was that the appellant had been involved in a car accident on April 9th, 1981, three weeks before the spring examinations, and that his physical condition had prevented him from preparing himself adequately and performing to the best of his ability not only on the spring examinations but on the supplementals as well. In support of this position he presented certificates from two medical practitioners. One of these was from a physician who saw the appellant in the emergency department of Mount Sinai Hospital three days after the accident, when the appellant complained of back and neck pains. This report stated:

Our findings at the time, were of muscle spasms in the long muscles of the neck and lower back compatible with an acceleration-deceleration injury. He was given a cervical collar and told to apply local heat.

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1. Mr. G. (Cont'd)

This physicians's report did not reach the Faculty until after the appellant had written his supplementals. The physician had, however, submitted an earlier report which had evidently gone astray. Between the time of the spring examinations and the supplementals the appellant had presented the second report, that of an ophthalmologist. This report indicated that the appellant had been suffering from headaches and blurring of vision, the latter due to spasms of accommodation, "which have caused him great difficulty in studying and as a result he has been unable to spend the amount of time in preparing for his exams as he normally does." Another copy of this letter dated July 30th contained the additional information that the appellant would be able to return to school in the fall.

The assertion that the appellant's performance during both sets of examinations was affected by the problems associated with this injury was not, in the Board's view, persuasive in light of the appellant's record throughout the year. He failed all three term tests in Gross Anatomy, both term tests in Biochemistry, all three tests in Dental Materials (passing on the strength of his technique grade), two out of three tests in Oral Anatomy and all three term tests in Histology. As already noted, he failed Oral Anatomy in the fall term and barely passed Physiology.

To meet the inference that he was headed for failure in any case it was argued on the appellant's behalf that it was "traditional" for him to do better at the end of the year but no evidence was offered in support of this assertion and the Board found it unpersuasive.

It was also argued that the appellant's "performance in some of the aforementioned courses was below average at the outset" because the appellant had not been involved in a science programme during the year immediately prior to entering dentistry. Before that he had obtained a B.Sc. degree. In other words he had become so rusty in a year away from science that he was handicapped in dealing with science subjects at a first-year level but this handicap could have been overcome at the end. The Board found this argument unconvincing as well.

It appears to the Board that the appellant had had a reasonable opportunity to demonstrate his proficiency in the subjects of the first year. The Board was not persuaded that his medical problem constituted a sufficient handicap throughout the entire period of spring exams and supplementals to account for his inadequate performance, which the Dean described as possibly the worst in his memory. Nor did it justify another opportunity to do the first year.

Appeal dismissed.

2. Mr. M.

At a meeting on August 26th, 1981 the Academic Appeals Board heard the appeal of MR. M. against a decision of the Appeals Committee of the Faculty of Dentistry refusing the appellant's request to be allowed to write a special examination in first year Gross Anatomy but permitting him to repeat the first year. The decision of the Board is that the appeal should be allowed.

The appellant failed three subjects at the regular examinations in first year dentistry in 1980-81. He wrote three supplementals in July and passed two of them but failed Gross Anatomy again.

The appellant attributed his original failures to the fact that he had had an extremely difficult year emotionally. His best friend since childhood died of cancer in November 1980. Prior to his death the appellant travelled home to Pembroke on a number of occasions to visit him. After his death the appellant became confused, despondent and uninterested in work for a number of months. By the time he had regained his equilibrium he had already failed one course at Christmas time and he was unable to prepare himself adequately for the spring examinations, so that he failed two more subjects at that time.

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After the spring examinations the appellant returned home to the family farm where he, his father and two brothers did most of the work in connection with cultivating the land, planting and harvesting the crops. He intended to tell his father and brothers that he would be unable to do the ordinary amount of work because of his need to prepare for the supplementals. He discovered, however, that his two brothers had left home on short notice, that hired help could not be obtained and that his burden, far from being reduced would be increased. The appellant said that he spent 12 hours a day on farm work during the period when he was also supposed to be preparing for his supplementals. He felt that this was responsible for his second failure in Gross Anatomy.

The Board was not provided with the reasons for the decision of the Appeals Committee of the Faculty but was informed that the decision to allow the appellant to repeat first year, which is unusual, was based on compassionate grounds. The Board shares the Appeals Committee's sympathy for the appellant and thinks that the evidence of his record in the Faculty of Arts and Science and the several very respectable marks that he did achieve in his first-year dentistry courses suggest that he might well have done better on the finals had he not experienced such emotional turmoil and might have fared better on the supplementals had he not been faced with a real family emergency that robbed him of the opportunity to prepare more fully. Because the Board feels he could conceivably have succeeded in passing Gross Anatomy on the second occasion if the circumstances had been more favourable and thus would have succeeded in advancing to second year, it takes the view that the appellant should have a further opportunity to be examined in that subject. However, it is also the Board's view that the appellant cannot have the best of two worlds and if he does undergo a further supplemental he should be in the same position as any other students on a supplemental examination. If he passes, he proceeds to second year but if he fails then he fails the year. This would have been the position had the Appeals Committee granted his initial request. The fact that they chose to give him a different remedy does not mean he should be allowed to keep both.

In these circumstances the appellant might prefer to forego the opportunity to take a second supplemental, accept the decision of the Faculty's Appeals Committee and repeat the first year. It is the Board's understanding that he would then be eligible to petition for exemption from some of the first-year courses in which he passed.

As the commencement of term is imminent the appellant should make a decision as to which course of action he wishes to follow by Friday, August 28th, 1981.

Appeal allowed.

Secretary
September 29th, 1981

Chairman