

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 72 OF THE ACADEMIC APPEALS BOARD

April 7th, 1982.

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a meeting on Wednesday, April 7th, 1982 at 1:00 p.m. in the Council Chamber, Faculty of Pharmacy, at which the following were present:

Professor J.B. Dunlop (In the Chair)
Mr. Robert J. Aiello
Professor Ernest G. Clarke
Professor John R. Percy

Mrs. Joan R. Randall
Professor Victor G. Smith
Ms. Christine M. Vercoe
Miss M. Salter, Secretary

In Attendance

Mr. S.
and counsel
Mr. Simon Zucker
Danson and Zucker

Dean A.R. Ten Cate
Faculty of Dentistry
and counsel.
Mr. W.E. Pepall,
Cassels, Brock

THE MEETING WAS HELD IN CLOSED SESSION.

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION.

1. Mr. S.

On Wednesday, April 7th, 1982 the Academic Appeals Board heard an appeal by MR. S. against a decision of the Appeals Committee of the Council of the Faculty of Dentistry dismissing his appeal against his failure in second year Dentistry in April of 1981. The decision of the Board is that the appeal should be dismissed.

The appellant passed all of his didactic subjects without any difficulty. His failure was due to inadequate performance in Restorative Dentistry, a pre-clinical course where success turns in very considerable measure on manual dexterity or psychomotor skills. Although it is regrettable that a student with academic ability should thus be unable to succeed in his or her chosen discipline, there can be no gainsaying the crucial importance of psychomotor ability in the dental profession.

Having failed "crown and bridge" the appellant was required to take a supplemental in Restorative Dentistry which involved two weeks of work including lectures and laboratory sessions. This took place from June 8 - 19, 1981. Once again, the appellant failed. Once again it was his inadequacy in crown and bridge work that was the appellant's downfall.

The basis of the appeal was that certain actions of the Dean had placed such stress on the appellant that it adversely affected his ability to perform in the supplemental course; and the relief requested was the opportunity either to take a new supplemental or to repeat the subject as a part-time student. The pressure of which the appellant complained allegedly arose from the following events. Shortly before the end of the term it came to the attention of the Dean that the appellant had at one time been a student in first year Dentistry at the University of Western Ontario and had failed, due to his inability to perform adequately in the field of Restorative Dentistry. These facts had not been disclosed by the appellant on his application for admission to the University of Toronto. If they had been the appellant would not have been admitted. The Dean had an interview with the appellant in late April at which he informed the appellant of the information he had received and that proceedings would likely be taken against the appellant which might result in his expulsion.

REPORT NUMBER 72 OF THE ACADEMIC APPEALS BOARD

Nevertheless, the appellant was allowed to write the final examinations and take the supplemental course. Part way through the supplemental course, the appellant received official notification that a charge had been brought against him under the Code of Behaviour, and that a hearing would be held in August. The appellant was about to be married. The appellant's contention was that the stress which all of this placed upon him made it impossible for him to perform adequately with the result that he failed. It should be noted that, on the hearing of the charge under the Code before the University Tribunal, the appellant was convicted at first instance but acquitted on appeal. The decision evidently turned on an interpretation of the Code rather than on questions of fact.

The first issue as the Board sees it can be put as follows:

Did the appellant satisfy the Board that the events relating to the discovery of his previous failure at Western and the charge against him under the Code of Behaviour produced in him stress which significantly impaired his ability to perform on the supplemental course?

The Board concluded that it was not satisfied in this regard and hence did not pursue the question of whether stress produced by proceedings under the Code of Behaviour should constitute grounds for the type of relief requested.

The Board did not find the appellant a persuasive witness. Apart from his admitted failure to disclose that he had been a student in Dentistry at Western, which, he told the Dean, showed how badly he wanted to become a dentist, another incident described in evidence caused the Board to have some doubt about the reliability of the appellant's evidence and inclined it to resolve conflicting and inconsistent evidentiary issues in the Faculty's favour.

Notwithstanding the instruction issued during the supplemental course that all work was to be done in the laboratory and that no material was to be brought in, the appellant brought in a piece of work which he said he had done during the year and which he admitted he intended to use as "a back-up if required". In response to a question from a member of the Board he agreed that this could be considered cheating.

The appellant claimed that the stress really began when the Dean confronted him shortly before the end of the term in April. Nevertheless, he passed all his didactic subjects, doing very well on one of them. He failed crown and bridge on the basis of his year's work, just as he had done at Western.

According to the Dean, he did not appear under stress and according to the Director of the supplemental course, the appellant's first complaint about stress was made the day after he had been questioned concerning the model he had brought in to the laboratory. He seems never to have referred specifically to the pending proceedings before the University Tribunal as having created any stress until he launched his appeal against his failure.

In the Board's view, the more likely reason for the appellant's failure was the lack of manual dexterity which had consistently affected his performance at the University of Western Ontario and Toronto. Even in those aspects of Restorative Dentistry that he passed, his performance was weak. He knew from April on that proceedings were going to be taken against him and the Board was not convinced that this significantly affected his ability to perform throughout the two weeks of the supplementary course during which he had to construct a pair of models and a bridge.

In the result, therefore, the appeal is dismissed.

Secretary
September 1st, 1982.

J.B. Dunlop
Chairman
Academic Appeals Board