

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 75 OF THE ACADEMIC APPEALS BOARD

October 15th, 1982

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a meeting on Friday, October 15th, 1982, at 10:30 a.m. in the Council Chamber, Galbraith Building, at which the following were present:

Professor J.B. Dunlop (In the Chair)
Mr. David Bessen
Mr. Tony Clement
Professor Kenneth G. McNeill

Mrs. Joan R. Randall
Professor Roger M. Savory
Professor Victor G. Smith
Mrs. Susan Girard, Governing
Council Secretariat

In Attendance

Mr. O.
and counsel
Mr. Peter Wilkie
Hamilton and Wilkie

Dean A.R. Ten Cate,
Faculty of Dentistry

Mr. Daniel Eisen
Judaic Studies, York University

THE MEETING WAS HELD IN CLOSED SESSION

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

1. Mr. O.

At a meeting on October 15th, 1982, the Academic Appeals Board heard an appeal by Mr. O. from a decision of the Appeals Committee of the Faculty of Dentistry refusing the appellant's request for a second opportunity to write a supplemental examination in second-year microbiology. The decision of the Board is that the appeal should be allowed.

In the academic year 1981-82, the appellant had a very trying time as a result of personal and family problems. At the end of the year, his second, he was informed that he had failed microbiology, a didactic subject and restorative dentistry, a pre-clinical subject. He was thus required to take a two-week supplemental evaluation in restorative dentistry from June 14th to 25th. Thereafter he was to write a supplemental examination in microbiology on July 12th. If he had failed the restorative supplemental the appellant would have been required to withdraw from the faculty whereas if he were to fail microbiology he would have had to take it again as a part-time student before proceeding into the third year.

The appellant spent all his available time from about the end of May until June 25th on restorative dentistry. He was successful. He then had two weeks to prepare for microbiology, which he failed again.

It turned out, however, that the appellant had not failed restorative dentistry after all. He had been assessed at the end of the year by a method which differed from the method which had been announced at the beginning of the year. As the Faculty was bound to abide by the original assessment method in accordance with which the appellant had passed, the reported failure was in error. The appellant was informed of the error and was told that his transcript would be altered to reflect the facts. He was nevertheless required to take microbiology as a part-time student and at the time of the appeal was pursuing this course of action.

The basis of the plaintiff's appeal was that, through the error on the part of the Department of Restorative Dentistry, the time available to him for preparing his microbiology was reduced from six weeks to two. He also sought relief on compassionate grounds based on his personal and family difficulties during the course of the year.

In the view of the Board the appellant's contention that he might well have succeeded in passing his microbiology supplemental had he not been put to much unnecessary effort in connection with restorative dentistry was persuasive. Rectification of the transcript was not a sufficient remedy for this error. Rather, the appellant should have another opportunity to write microbiology on a convenient day during the Christmas examination period. He should be admitted to third year pro tem pending the outcome of the examination. If the appellant should be successful in the examination, then he may continue in third year. Should the appellant be unsuccessful then he would have to discontinue his third year studies and continue to take the subject as a part-time student until the spring.

The appeal is allowed.

Secretary
November 26th, 1982.

Chairman