

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 77 OF THE ACADEMIC APPEALS BOARDMarch 19th, 1983

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held meetings on Thursday, November 11th, 1982, at 10:00 a.m. in the Council Chamber, Faculty of Pharmacy, on Saturday, November 27th, 1982, at 10:00 a.m. in Room 1, Falconer Hall, Faculty of Law, on Friday, February 11th, 1983, at 9:00 a.m. in the Council Chamber, Faculty of Pharmacy and on Saturday, March 19th, 1983, at 9:30 a.m. in Room 1, Falconer Hall, Faculty of Law, at which the following were present:

Professor J.B. Dunlop (In the Chair)	Professor Victor G. Smith
Mr. Tony P.P. Clement	Miss Marie Salter, Secretary
Professor Ernest G. Clarke	Mrs. Susan Girard, Governing Council
Mrs. Joan R. Randall	Secretariat (present February
Professor Roger M. Savory	11th only)

In Attendance

Mr. S.
and counsel
Mr. Peter Wilkie
Hamilton and Wilkie

Dean A.R. Ten Cate, Faculty of
Dentistry, (present November 11th
November 27th and February 11th)
and counsel
Mr. W.E. Pepall, Cassels, Brock

Mr. David Keeling, Assistant Dean
(Administration) and Faculty
Secretary (present November 11th
and November 27th)

Professor L.F. Greenwood, Faculty of
Dentistry

Dr. R. Hillis, Faculty of Dentistry
(present February 11th and
March 19th)

THE MEETINGS WERE HELD IN OPEN SESSION

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

1. Mr. S.

Mr. S. appealed to the Academic Appeals Board from a decision of the Academic Appeals Committee of the Faculty of Dentistry dismissing his appeal against his failure, in June, 1982, in the supplemental evaluation in second year Prosthodontics. Before the Board the appellant also challenged his failure of the course during the academic year 1981-82. The hearing before the Board took most of four days and scheduling problems sometimes involving counsel, sometimes witnesses and sometimes members of the Board resulted in the proceedings being spread over several months. This was most unfortunate and while the Board takes some comfort from the fact that it has never happened before it also is determined to avoid it happening again.

The Board's decision is that the appeal should be dismissed.

The appellant failed Prosthodontics during his second year in 1981-82. The final grade was made up of 11 separate elements, testing knowledge of the subject and skill in performing a variety of clinical requirements. The total marks for all elements was 200 and a pass was 120. The appellant achieved a total of 102. The supplemental evaluation in Prosthodontics, a pre-clinical course, involves work from 9 a.m. to 5:00 p.m. over a five day period, again testing knowledge and skill. Once again the numerous test elements added up to a total of 200, and the appellant achieved a total of 102.75.

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The three main arguments on behalf of the appellant were (1) a lack of communication during the course, particularly about his progress in the course, was prejudicial to his ultimate success; (2) the timing of the supplemental was unfair and prejudicial to his ability to pass and (3) the content and format of the supplemental evaluation were unfair and prejudicial.

I. THE PROSTHODONTICS COURSE

The evidence concerning communication during the regular course established to the satisfaction of the Board that the appellant should have known his situation was problematic. After four clinical assignments and two multiple choice tests had been assessed, worth in aggregate 80 of the 200 marks, the appellant had 45 marks or just over 56 percent - not a passing average. This information was available to the appellant by late February when there was still ample opportunity to improve his situation. It is true no one explicitly drew his difficulty to his attention as they did in other courses but the Board does not see how the appellant could reasonably have been in any doubt. It is true he was not offered any special help, but he was in a position to assess his need for it and ask for it.

The appellant testified that he thought he was "not doing great" but that he was not worse than many others. In his view quite a few of his classmates were performing at a level similar to his own. So he didn't think he needed any extra help. The class records, however, do not bear this assessment out. According to the evidence of Dr. Greenwood, one of the faculty members in charge of the course, six students out of 123 in the class got under 120 marks in Prosthodontics. Two of these were raised at the departmental level, one because he or she had achieved 119 marks and hence was too close to the line to be failed and the other because he or she, although achieving only 114 marks, had shown substantial improvement in the second half of the course and had improved sufficiently in the practical work to be passed. Thus only three other people could have been doing roughly as badly as the appellant, whose mark was the lowest in the class.

The appellant also testified that a class representative had spoken to Dr. Greenwood and reported her as having said that marks didn't really mean a lot; one could pass with 40% or fail with 80%. The appellant's testimony was supported by a number of letters from classmates to the same effect. It would seem, therefore, that such a statement was made to the class although Dr. Greenwood, understandably, denied saying anything as extreme. Her evidence was that she said to the student who, to her knowledge, had no official status as a class representative, that a person who scored less than 120 but who had an excellent performance in lab work could pull his final result up and conversely that a student with 120 but poor performance in the lab work could fail. Had she known that the student intended reporting to the class, she said she would have sent a memorandum to the President of the class.

In the Board's view, the statement as reported to the class was not Dr. Greenwood's responsibility and, in any case, did not prejudice members of the class in any way. The statement was made to the last class of the year, ostensibly to calm fears. No one relied on it to his or her detriment, nor would it have been reasonable to do so since it did not suggest that anyone should do other than attempt to succeed in achieving excellence in lab work.

A certain amount of evidence was addressed to the proposition that the appellant should have been given a higher mark in the course and that he thought some of his low marks would be raised but the Board did not find any of this evidence led to the conclusion that the appellant should have passed or even should have come close enough to passing so as to be considered for a raise.

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It may well have been, as Mr. Wilkie argued, that the appellant believed he was passing. But this does not, in the Board's view, entitle him to pass unless he reasonably relied on a misrepresentation to this effect and modified his behaviour in a manner detrimental to his position. The evidence does not support the view that there was a misrepresentation and in any event the reasonable belief that one is passing does not warrant discontinuing one's efforts towards continued success.

II. THE SUPPLEMENTAL EVALUATION

Whereas supplemental examinations in didactic subjects take place in the month of July, supplemental evaluations in pre-clinical courses are held about the middle of June. The reason given for this is that since these latter subjects involve digital skills there is a benefit to the student in having them shortly after the end of term so that the skills that have been practised throughout the year will not have become rusty. The validity of this policy in the case of Prosthodontics was challenged by the appellant but the Board is not prepared to look behind the faculty's decision on this matter.

There was some delay in the delivery of the appellant's final grades for the 1981-82 academic year, evidently because the address of the building in which he lived had changed. Thus he had less time to prepare for the supplemental evaluation than he might normally have had. It may be that this would have been a basis for asking to have the evaluation postponed but while the appellant discussed the prospects of the supplemental with Dr. Greenwood and objected to some of its elements, particularly the proposed oral test, he did not object to the timing as he was entitled to do and the Board is not prepared to conclude at this stage that the late delivery of the letter constituted an extenuating circumstance entitling the appellant to another opportunity to be evaluated in Prosthodontics.

The form of the evaluation was different from what had been required during the year and what had been required on other supplemental evaluations. It consisted of 50 marks for taking impressions, making casts and doing a mounting, 50 marks for design, 50 for an oral examination and 50 for an essay. The Board sees nothing unfair or prejudicial in this form of examination and although a good deal of it could be said to test theory, such was also the case with the evaluation procedure during the year and it is clear that the theory behind the clinical operations being performed is an inseparable part of the entire subject. In the Board's view the evaluation was a fair one and the appellant's grade accurately reflected his performance. The three other persons taking the supplemental achieved marks ranging from 133.75 to 140.75.

In sum, therefore, it is the Board's view that the appellant had ample opportunity to demonstrate his knowledge, skill and ability in the subject of Prosthodontics and while the circumstances and procedures may not have been optimal they were not such as to prejudice his chances and the appeal must therefore be dismissed. The appellant has demonstrated great determination to become a dentist. The appeal case presented on his behalf could not have been more thorough. It is unfortunate that the appellant's skill does not match his determination.

Appeal dismissed.

Secretary
May 2nd, 1983.

Chairman

