

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 81 OF THE ACADEMIC APPEALS BOARD

January 20th, 1984

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held meetings on Friday,
January 20th, 1984, at 3:00 p.m. in the Dean's Conference Room, Medical
Sciences Building, at which the following were present:

Professor J.B. Dunlop (In the Chair)	Mrs. J.R. Randall
Ms. L. Dunn	Professor P. Silcox
Professor R. Manzer	Professor V.G. Smith
Professor K.G. McNeill	Irene Macpherson,
Ms. Hilda Morris	Governing Council Secretariat

In Attendance

Mr. *Y.*
and counsel
Mr. Kenneth P. Swan
Mr. Al-Kassim

Dean A.R. Ten Cate, Faculty of
Dentistry

THE MEETING WAS HELD IN OPEN SESSION

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

At a meeting on January 20th, 1984 the Academic Appeal Board heard the appeal of *MR. Y.* from a decision of the Appeals Committee of the Faculty of Dentistry dismissing an appeal against the application of the Faculty's regulation requiring him to withdraw on the grounds that he had failed five courses in the first year of the D.D.S. programme. The Faculty's Committee found the failure "difficult to comprehend other than to believe that Dentistry was not an occupation that lent itself to your talent". The appeal had been based on personal stress affecting the appellant's performance but the Committee, after noting that the decision had been a difficult one to make, concluded "there had been insufficient evidence presented supporting your appeal to arrive at a decision in your favour". The Board finds no fault with the decision of the Appeals Committee on the basis of the case presented to it but on the basis of additional evidence reached the conclusion that the appeal should be allowed.

The appellant had emigrated from Hong Kong in 1969 at the age of 18. He had completed his secondary education in Montreal, had attended Loyola College and Concordia University and had obtained a B.Sc. degree in 1977. He spent three years at the University of Waterloo and was granted an M.Sc. in 1981. His academic record was a good one. He was admitted to the Faculty of Dentistry in 1982. Just before registration a serious relationship with a young woman was terminated by her and the appellant, who had few social contacts, became isolated, withdrawn and depressed. He had difficulty throughout his first year and considered the possibility of seeking psychiatric assistance but decided not to do so because he felt a stigma would attach. He failed the year and was required to withdraw. He presented this case to the Appeals Board in June of 1983 without any medical support but at about the same time he sought assistance and was treated for six weeks as an outpatient at Scarborough General Hospital. He then went to visit his family in Hong Kong for two months. The psychiatric evidence was that the appellant suffered from Reactive Depression as a result of the broken relationship, that he had been like this for some time and that the symptoms would have included confusion, a lack of motivation, poor memory and a lack of a good attention-span. It was the psychiatrist's opinion that these symptoms would have greatly interfered with the appellant's studies.

...2/

REASONS FOR DECISION

According to the psychiatrist the appellant responded well to treatment and a follow-up meeting with him in November of 1983 verified his continued good emotional health. In the psychiatrist's view, given the appellant's motivation, he could now be expected to do well in his studies.

A fellow student appeared as a witness to confirm that the appellant had been withdrawn, tense, depressed and morose throughout the year and that he was opposed to the idea of seeking psychiatric assistance because of his concern over the problem it might create. Dean Ten Cate, on behalf of the Faculty, disputed none of the facts. Counsel for the appellant, Mr. Kenneth Swan, conceded that the Appeals Committee decision was reasonable on the evidence before them and, indeed, on the evidence then in the appellant's possession. But he argued that both the appellant's problem and his reason for not seeking assistance sooner had been established on the new evidence and that, since the appellant should have no further difficulty from the health standpoint, he should be granted relief from the application of the Faculty's rule. In the circumstances, the first year had not been a fair test of the appellant's ability.

In the result, the Board was persuaded that the appeal should be allowed.

Appeal allowed.

Secretary
February 17th, 1984

Chairman