

UNIVERSITY OF TORONTO  
THE GOVERNING COUNCIL

**CONFIDENTIAL**

REPORT NUMBER 85 OF THE ACADEMIC APPEALS BOARD

January 24th, 1985

To the Academic Affairs Committee,  
University of Toronto.

Your Board reports that it held a hearing on Thursday, January 24th, 1985 at 2:00 p.m. in Room 201, 65 St. George Street, at which the following were present:

Professor J. B. Dunlop (In the Chair)	Mrs. J. R. Randall
Professor W. H. Francombe	Professor D. W. Smith
Professor R. A. Manzer	
Ms. M. Meyer	Ms. I. Macpherson, Secretary

In Attendance

Mr. D.	and his counsel	Dean A. R. Ten Cate, for the
Mr. Symon Zucker		Faculty of Dentistry

At meetings on January 24th and February 14th, 1985 the Academic Appeals Board considered the appeal of *Mr. D.* from a decision of the Academic Appeals Committee of the Faculty of Dentistry which had dismissed his appeal against his failure in first year in 1983-84. The appellant did not contend that he ought to have passed. It was his position that extenuating circumstances of a compassionate and medical nature should be taken into account in allowing him the opportunity to repeat the year. The decision of the Board is that the appeal should be allowed.

Two witnesses gave evidence to the Board: the appellant himself and Dr. Robert Coulthard, the senior staff psychiatrist of the Forensic Outpatient Service at the Clarke Institute of Psychiatry. Dean Ten Cate spoke to the matter for the Faculty. While a resume in one page of an hour's oral testimony loses something in the transition, the following is an outline of the facts.

The appellant had lost both parents, to whom he was close. He inherited a large portion of the estate, including the family home to which he was very attached. When he entered the Faculty of Dentistry he rented the house, which was in London, to a law student and from that point on it proved to be a source of trouble for him. Neighbours complained about riotous parties and noise. The tenant complained about shortcomings in the premises. There was a minor fire. The tenant damaged many items with sentimental value. Objects disappeared, including photographs of grandparents, parents and family and items of religious significance. Utility bills went unpaid.

A change of tenants half way through the year did not improve the situation. This may not be surprising. The new tenant was a friend of the old one. The appellant assumed that because he was newly married the new tenant might be better behaved. The appellant made some fifteen trips to London to deal with various problems. According to the psychiatrist's evidence the appellant had difficulty adjusting emotionally to the problem. He did not cope well. He became somewhat depressed and despairing. His ability to concentrate was impaired.

The appellant's work suffered throughout the entire year. He failed examinations at Christmas and was interviewed by the Faculty secretary in January concerning the problem. He was told that he could withdraw without academic penalty at this point but it was his belief that if he did so he would have no chance of subsequently obtaining a place in the first-year class. In the circumstances it seemed to him that his only course of action was to continue.

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It was to be supposed that very similar evidence was presented to the Appeals Committee of the Faculty of Dentistry. At the same time, one must recognize that there must always be subtle differences which contribute to different responses on the part of a tribunal. In any event, weighing the impact of evidence relating to personal, family and medical or psychiatric difficulties is a difficult process. Some individuals cope with enormous burdens. Others succumb to relatively trivial difficulties. One may feel that the appellant's judgment and course of conduct left something to be desired. On the other hand, one could hardly say that his behaviour, as a young person of limited experience in such matters, was abnormal or idiosyncratic. On balance the Board concluded that the impact of events on the appellant was such that it would be too harsh to say he should not have another chance to study dentistry. If the University of Toronto is not prepared to give him this opportunity it seems unlikely that anyone else will.

The Appeals Committee of the Faculty of Dentistry stated in its Reasons "that the Faculty's actions throughout were proper and [the appellant] was informed of his difficulties and the options available to him at the appropriate times." The Board does not disagree with this but it sympathizes with his decision to continue, even though it may have been against the odds, since he thought it really was his only chance.

The appeal is allowed.

Secretary  
March 12th, 1985

Chairman