

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 87 OF THE ACADEMIC APPEALS BOARD

April 11th, 1985

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a hearing on Thursday, April 11th, 1985 at 1:30 p.m. in the Board Room, Simcoe Hall, at which the following were present:

Professor J. B. Dunlop (In the Chair)	Professor K. G. McNeill
Mr. Allan Chan	Mrs. Joan R. Randall
Professor W. H. Francombe	
Professor R. Manzer	Ms. Irene Macpherson, Secretary

In Attendance:

Mr. <i>N.</i> and his counsel	Dean A. R. Ten Cate, Faculty of Dentistry
Mr. Sheldon Teicher	

At a meeting on April 11th, 1985 the Academic Appeals Board heard the appeal of *MR. N.* from a decision of the Academic Appeals Committee of the Faculty of Dentistry which had dismissed an appeal against the appellant's failure in Restorative Dentistry. Restorative Dentistry is a course which is evaluated primarily on the basis of the student's performance on a number of projects requiring manual dexterity or psycho-motor skills. It was the appellant's case that a visual problem, since corrected, affected his ability to perform the required tasks and that this accounted for his failure which was by a margin of only 1.7%. It is the Board's decision that the appeal should be allowed.

The evidence of Dr. Martin Kazdan, an ophthalmologist, established that during the time the appellant was taking the Restorative Dentistry course he suffered from a condition called "convergence insufficiency" which causes a loss of depth perception at close range. This loss of a three-dimensional image might not have been noticed by the appellant. Yet it would have made it difficult for the appellant to meet drilling depth specifications and definition of outlines. A course of eye exercises has since restored the appellant's vision to normal and Dr. Kazdan predicts that it will cause no problem in the future although the appellant may have to resume treatment from time to time to maintain his situation.

Dr. Dorothy McComb, Acting Chair of Restorative Dentistry, stated that a lack of depth perception which affected the ability to drill to specificity would affect the student's grade. In the circumstances it seemed to the Board fair that the appellant should have another opportunity.

The decision of the Appeals Committee of the Faculty appeared to turn on the conclusion that

While [the appellant] appears to have a vision difficulty they felt that his failure was not due entirely to it. As an example, the problem did not manifest itself in the subject of Dental Materials which is another pre-clinical subject of a similar nature.

However, the evidence of Dr. William D. McKay, Chairman, Dental Materials, indicated to the Board that the practical projects in that course were not as demanding in terms of digital skills and visual acuity. In any event, if an appellant would likely have passed a course but for a medical condition it seems misleading to say that his failure was not due entirely to the medical condition. This suggests that he would have failed anyway.

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Dean Ten Gate stressed that the Faculty tries to determine as soon as possible the existence of physical problems that would prevent the student from succeeding in the field of dentistry. The Board does not dispute the soundness of this policy but does not think it should apply to a case where a student would very likely have passed if his medical condition had been detected and treated at a much earlier date. This is not to say that he would have done outstandingly well or that he will automatically succeed in the future. It is merely to say that he should have an opportunity to indicate what he can do when not handicapped.

Dean Ten Gate also pointed out that a second chance for the appellant would involve denying someone else a first chance since the number of applicants for the Faculty of Dentistry far exceeds the number of available places. As the Board has pointed out in other cases, however, extenuating circumstances are generally recognized as justifying giving a student a second opportunity. The only real difference between the view of the Board and the view of the Appeals Committee of the Faculty is as to whether or not extenuating circumstances exist in this case. It would appear that the Board has had the advantage of evidence not presented to the Faculty Committee with the result that the Board has seen the case in a different light. Hence the Board has come to the conclusion that the appeal should be allowed.

Appeal allowed.

Secretary
April 24th, 1985

Chairman