

REPORT NUMBER 99 OF THE ACADEMIC APPEALS BOARD

March 21st, 1986

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a hearing on Friday,
March 21st, 1986 at 2:00 p.m. in Room 201, 65 St. George Street at which
the following were present:

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| Professor J. B. Dunlop (In the Chair) | Mrs. J. Randall |
| Mr. M. Evans | Professor J. Slater |
| Professor J. Galloway | |
| Professor F. Flahiff | Ms. Dominique Petersen,
Governing Council Secretariat |

In Attendance:

- Dr. *R.*
- Dr. J. Leake
- Dr. A. Bennick

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

On March 21st, 1986 the Academic Appeals Board heard
the appeal of Dr. *R.* from a decision of the Academic Appeals
Committee of the Faculty of Dentistry denying his appeal of a failing grade
in Dental Public Health Seminars DEN1006Y. This was the major subject in
the graduate programme in Dental Public Health. Under faculty regulations
supplemental examinations are not allowed in major subjects and failure in
a major subject constitutes failure of the year. Thus the appellant would
be required to repeat all of the courses of the year in order to complete
the programme. The decision of the Board is that the appeal should be
dismissed.

The appellant did not challenge the propriety of his
grade in DEN1006Y. The passing grade in a major subject is B- and the
appellant had fallen 6.1% below that requirement. His appeal was based on
two grounds: (1) that the rule against supplemental examinations in major
subjects is unduly harsh and rigid and (2) that there were extenuating
circumstances which should entitle him to a second opportunity to be
examined in the subject.

The Academic Appeals Board is an adjudicative rather
than a legislative body and it is bound to accept and apply all academic
regulations that have been validly passed and approved by the appropriate
rule-making bodies within the University. The regulation applicable to the
present case is not of an uncommon type. It reflects a professional
judgment that a graduate student in a dental specialty should be capable of
mastering the major subject in that specialty while concurrently carrying
the work load of the other courses in the programme. Certainly this is a
more exacting standard than that which would permit a candidate a second
opportunity to concentrate exclusively on the major subject. It is,
nonetheless, a reasonable standard to apply. Thus the appeal cannot
succeed on this ground.

Extenuating circumstances such as personal or health
problems which interfere with an individual's performance during an
examination and prevent the individual from demonstrating the skill and
knowledge acquired during the course may well afford grounds for relief.
In appropriate circumstances, a passing grade or an opportunity to write a
substitute examination might be permitted. Unfortunately, this is not such
a case. The appellant's health problems are chronic. He suffers from
psoriatic rheumatoid arthritis and ankylosing spondylitis. They interfere
with his ability to practice dentistry. For this reason, 30 years after he
graduated in dentistry, he entered the Dental Public Health Programme as a
means towards an alternative occupation. Thus it is not a case of
temporary circumstances inhibiting the ability to display knowledge
acquired. It is a case of a permanent condition interfering with the

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capacity to master the major subject. It is perhaps worth putting on the record that the appellant had one other examination failure and that his reading course and essay in Dental Public Health remained incomplete. In the circumstances it is not unreasonable for the Faculty to insist that the appellant repeat the year.

The appellant was concerned that the new two-year format would constitute an insurmountable barrier for physical and financial reasons. As became apparent during the hearing, however, the Faculty was willing to allow the appellant to satisfy the requirements of the programme by repeating the one year he had failed. It may still be that financial and physical reasons will prevent this. As to that, the Board shares the view expressed by the Appeals Committee of the Faculty of Dentistry which said:

The Committee has compassion for your personal situation and admiration for your courage in taking on a heavy program like the diploma program in Dental Public Health. The Committee decided with regret to deny your appeal. It agreed that it was necessary to maintain the standards set by the Department of Community Dentistry in assigning grades for the course.

Thus the appeal to the Board must be dismissed.

Secretary
April 16th, 1986

Chairman