

CONFIDENTIALUNIVERSITY OF TORONTOTHE GOVERNING COUNCILREPORT NUMBER 104 OF THE ACADEMIC APPEALS BOARDSeptember 26th, 1986

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a hearing on Friday, September 26th, 1986 at 2:00 p.m., in the Board Room, Simcoe Hall at which the following were present:

Professor J. B. Dunlop (In the Chair)	Professor A. Sherk
<i>MR. M.</i> Bilaniuk	
Professor K. S. Pang	
Mrs. J. R. Randall	Ms. Irene Birrell, Secretary

In Attendance:

Mr. *K.*
Mr. James Egan, Downtown Legal Services
Dean A. Richard Ten Cate, Faculty of Dentistry

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

On September 26th, 1986 the the Academic Appeals Board heard the appeal of Mr. *K.* from a decision of the Academic Appeals Committee of the Faculty of Dentistry refusing him further registration in the Faculty. The appellant requested permission to write supplemental examinations in three didactic courses and one pre-clinical course which he had failed during his first year in 1985-86. In the alternative, the appellant sought permission to repeat the four courses as a part-time student or to repeat the year. The decision of the Board is that the appeal should be allowed and the appellant should be permitted to repeat first year but not until the academic year 1987-88. The Board also makes it a condition of this right to repeat that the appellant successfully complete one university-level English course.

The appellant based his appeal on compassionate grounds. The appellant had come to Canada from Hong Kong and had attended high school here before enrolling at the University of Waterloo in first year science in 1984-85. He entered dentistry in 1985. His primary source of income while a student had been his father, a Hong Kong businessman. However, in the summer of 1985 his father's business become insolvent and the appellant ceased to have any income from that source. He and his sister, who also lives in Toronto, had to go to work to earn their living. Apart from this financial burden, the family difficulties created significant emotional stress. It is the Board's understanding that the Appeals Committee of the Faculty of Dentistry was never fully informed of the appellant's problem in this respect.

There is also evidence that the appellant's facility in the English language, especially in written form, was inadequate. Although he had gone to high school and university in Canada his transcripts disclose that all of his courses in Grade 13 and in first year at the University of Waterloo were in mathematics and science. A regulation of the Faculty of Dentistry provides that

all applicants whose first language is not English and who have studied in an English language school system for four years or less are required to achieve an appropriate standard in a recognized test of English facility.

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Although the appellant's first language was Chinese and although he had not spent four years in the Ontario school system he had not been required to fulfill this obligation. It is easy to understand how the requirement was overlooked. Nevertheless, although it can be said that the regulation exists for the benefit of the Faculty in assessing applicants it can also be said to afford the applicant protection against embarking on a course of studies for which he or she is not equipped. The Board felt the fact that the appellant had not had this protection was an additional reason for giving the appellant another opportunity. It was also the reason that the Board attached the condition of satisfactory completion of a university-level English course. The Board also suggests that the appellant would be well advised to take a university-level biology course before proceeding to repeat first-year dentistry.

The appeal is allowed.

Secretary
November 19th, 1986

Chairman