

UNIVERSITY OF TORONTOTHE GOVERNING COUNCILREPORT NUMBER 108 OF THE ACADEMIC APPEALS BOARDAugust 18th, 1987

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a hearing on Tuesday, August 18th, 1987 at 2:30 p.m., in Room 23, Simcoe Hal at which the following were present:

Professor J. B. Dunlop (In the Chair) Ms. Irene Birrell, Secretary
Professor F. Flahiff
Professor D. Lambden
Mrs. J. Philpott
Mr. David Power

In Attendance:

Ms. C. appellant
Mr. F. Genesee, counsel for the appellant
Dr. Laurene Pang, witness for the appellant
Dean D. Perrier, Dean, Faculty of Pharmacy

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

At a meeting on August 18th, 1987 the Academic Appeals Board heard the appeal of *MSC*, from a decision of the Appeals Committee of the Faculty of Pharmacy refusing her request to be allowed to write a supplemental examination in PHM 306Y, Medicinal Chemistry I. The appellant, a third-year student, passed in all her other subjects, but because her average for the year in all subjects was only 58.9 percent, rather than the requisite 60, she was not entitled to a supplemental examination and failed the year. The decision of the Board is that the appeal should be allowed and the appellant permitted to write a supplemental examination. The examination should be held prior to the commencement of classes in September, 1987 but at as late a date as possible consistent with that requirement. The appellant should be permitted to attend classes pending the assessment of her work but, of course, the right to continue in the fourth year must be contingent on her success in the examination.

The appeal was based on medical grounds. If, through illness, a student does not have a reasonable opportunity to prepare for an examination, or a reasonable opportunity during the examination to display his or her knowledge and understanding of the subject, then extenuating circumstances exist. Unless it appears probable that the student would have failed the examination in any case, he or she should be given another opportunity to prepare for and write an examination.

The appellant presented a substantial amount of evidence to the Board that she suffered from an infection of the upper respiratory tract over a considerable period of time prior to and during the final examinations in April. The letter from the health service stated simply that on two days, April 2nd and 6th, on which the appellant was seen, she had an upper respiratory infection. It would be generous to describe such a letter as laconic, but the Board receives them all too frequently. In addition, however, there was oral testimony from the appellant and several letters from classmates concerning the existence and debilitating effect of the ailment. On the basis of the evidence, the Board concluded that extenuating circumstances existed and that the appellant should have another opportunity.

REPORT NUMBER 108 OF THE ACADEMIC APPEALS BOARD - August 18th, 1987

According to Dean Perrier, most of this evidence was not presented to the Faculty's Appeal Committee. Had it been, the Board was inclined to the view that the Appeal Committee would have reached a different conclusion. Certainly it could have done so. There is no contradictory evidence. While it was the appellant's responsibility to place all the relevant evidence before the Committee, she testified that she did not understand that this was her obligation. She said that she was without any, or any adequate, advice on the matter.

It is one of the quirks of the appeals process within the University that different evidence may be heard at different stages. However, in light of the serious consequences for many students, and because they frequently do not seek appropriate assistance early enough, the Board cannot be so Draconian as to refuse to permit evidence before it that was not presented to a faculty's committee. In any event, it would be an unworkable approach in the absence of a precise record of the proceedings in all cases before faculty committees. Considering the small proportion of faculty decisions appealed to this Board, such a requirement would be unjustified.

The pharmacist for whom the appellant worked during the past two summers in Sault Ste. Marie General Hospital, Dr. Laurene Pang, travelled to Toronto to testify as to her confidence in the appellant. While the decision must turn on whether there were extenuating circumstances before and during the examination period, it is the Board's view that such conscientious conduct on Dr. Pang's part merits notice.

Appeal allowed.

Chairman

Secretary
September 10th, 1987