

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 137 OF THE ACADEMIC APPEALS COMMITTEE

October 15th, 1990

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Monday, October 15th, 1990 at 1:00 p.m. in the Conference Room, Room 240, Simcoe Hall at which the following were present:

Professor J. B. Dunlop (Chairman)
Ms T. McIntosh
Professor J. Reibetanz
Professor I. Taylor
Mr. A. Waugh

Ms Irene Birrell, Secretary

In Attendance:

Ms *B₃* the appellant
Mrs. B.
Mr. Symon Zucker, counsel for the appellant
Professor G. Sessle, Dean, Faculty of Pharmacy

At meetings on Monday and Tuesday, October 15th and 16th, 1990, the Academic Appeals Committee heard and decided an appeal by *Ms B.* from the decision of the Appeals Committee of the Faculty of Dentistry refusing to grant her a remedy in respect of her failure in second year Restorative Dentistry, both on the final and on the supplemental. In consequence of this failure, and because it was the second occasion on which she had failed to earn the right to advance to a higher year, the appellant was refused further enrolment in the Faculty.

The appeal was based on compassionate grounds, the appellant being under such stress in the weeks before the supplemental that she did not have a fair chance to indicate what she could accomplish in the course. Her story was a moving one, convincing this Committee that she should be given another chance. The result is that the appeal is allowed although the remedy requires careful explanation. The decision was sent to the appellant and the Faculty on Wednesday, October 17th, without reasons.

Restorative Dentistry is a pre-clinical course and one of its components is manual work that is fine and precise, requiring well-developed digital skills. A supplemental evaluation therefore consists in part of the student spending a period in the lab demonstrating those skills on assigned projects. So a second opportunity to have a supplemental evaluation is best accomplished by having the student repeat the course. But a year's absence may affect the skills developed in other pre-clinical or clinical courses as well. Thus, time in the lab maintaining those skills is also essential.

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The Committee's ruling therefore permits the appellant to redo Restorative Dentistry but requires her to maintain the other skills at the same time. The amount of lab time this involves we cannot say. It would seem, from what we heard, to be something like 15-20 hours a week. We must leave that to be worked out by the Faculty although we are prepared to be of assistance in any way possible or if any dispute should arise.

If the appellant succeeds in passing Restorative Dentistry she will be permitted to go into the third year in 1991. Otherwise, refusal of registration will occur once more.

The appellant's mother gave oral evidence as did the appellant. It is the Committee's view that the case we heard was different from that heard by the Faculty's Committee. What that Committee would have done in our position we cannot say, but they would not necessarily have come to the conclusion they did.

The appellant is an only child whose father has been in hospital for most of the last eight years. As there is no family money available to pay her expenses, the appellant has worked during the summer as a shift worker, 40-60 hours per week, at the General Motors plant in Oshawa where her parents live. It is the best paying job available. She gave her mother, also partially disabled, about \$1,000, and saved to meet her educational costs. She visited her father every day because when she is in Toronto she seldom has the opportunity. As her father is frequently depressed and her mother is not well, she spends as much time with him as she is able: hours daily.

During much of the time, therefore, that she might in other circumstances have spent preparing for her supplemental examination she was occupied and during the time she was not occupied, she was exhausted. To resolve this problem, she would either have had to give up seeing her father, a choice she could not bring herself to make, or give up work which would have made it impossible for her to finance her education. Her personal situation she was embarrassed to disclose and her feelings she kept so much to herself that even her mother was not aware that she had a problem, let alone understand the dimensions of it.

Her mother testified that she now realizes the appellant must spend less time on her family and more on her work. The appellant said the same thing. She believed herself ready to do so.

A letter from a social worker who carries on a consulting and counselling practice to whom her counsel referred her a few days before our hearing said that his interview and test results indicated "she is stressed and overloaded along several personality dimensions." The appellant, the letter continued "is very bright and has a high need to achieve and do well" but her "output is severely limited by the amount of stress and internal pressure she has been mustering over the last several years in light of her family medical history and complications". It went on to recommend counselling of psychotherapy. It suggested that the appellant take six months to "regroup" but the appellant is 30 years of age and anxious to continue at once. It may be that the appellant would be well advised to follow the counsellor's advice but the Committee is not prepared to insist that she do so. We can only urge that she think carefully about the problem.

The Faculty's Committee in dismissing her appeal stressed the fact that the appellant knew the rules and agreed to abide by them when she entered the Faculty. This is perfectly true, but it is not to say that where there are extenuating circumstances the appellant is disentitled to rely on them in arguing for an exception to the rule. This is a well-established principle throughout the University.

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The appellant, the Committee hopes, will realize how dramatically different her method of operation must be in order to focus on her studies and leave family matters more in the background at least for the time being. She might be well advised to seek counselling as this sort of decision is not easily made, not, at any rate, without anguish.

The appeal is allowed.

Secretary
November 2nd, 1990

Chairman

