

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 145 OF THE ACADEMIC APPEALS COMMITTEE

October 15th, 1991

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Tuesday, October 15th, 1991 at 2:00 p.m. in the Flavelle Room, Faculty of Law at which the following were present:

Professor J. B. Dunlop, Chairman
Professor J. Burke
Professor J. T. Mayhall
Mr. J. Nestor
Mr. A. Waugh

Ms Susan Girard, Secretary

In Attendance:

Ms *C₃* the appellant
Ms K. Hammond, Downtown Legal Services, counsel
for the appellant
Professor D. Perrier, Dean, Faculty of Pharmacy

At a meeting on October 15th, 1991, the Academic Appeals Committee heard the appeal of *Mrs C₃* a first year Pharmacy student in the academic year 1990-91 who had failed ECO100Y, an optional course for Pharmacy students taken with students in Arts and Science classes. The Faculty of Pharmacy permits supplemental examinations while the Faculty of Arts and Science does not. Thus, students in Pharmacy usually "audit" the summer course and write the regular summer examination as a supplemental. This is understood and accepted by the Faculty of Arts and Science.

A Pharmacy student may not proceed to the second year until the requirements of the first year have been satisfied. As the appellant still failed the course after the supplemental examination, she was bound to postpone her second year until 1992, but on the advice of the Dean's Office, appealed to this Committee.

The appeal was on compassionate grounds, the appellant seeking permission to do her second-year Pharmacy courses immediately and to clear the first year requirement by taking a different option, Sociology, in the summer term of 1992. Economics is not a required course in the Pharmacy program.

A right of appeal exists within the Faculty of Pharmacy but the period during which appeals may be filed and heard is relatively short, coming at the end of the academic year. While the appellant might have appealed her failure at that point, it was not a possibility she was aware of and, by the time she had written the supplemental and learned the result, it was no longer possible.

The appellant has been allowed to monitor second-year classes pending this appeal.

REPORT NUMBER 145 OF THE ACADEMIC APPEALS COMMITTEE - OCTOBER 15TH, 1991

The Committee is reluctant to intrude in the affairs of a faculty without the matter having been addressed at the faculty level but the alternative is even less palatable. It suggests to us that the Faculty might consider adopting an emergency appeal procedure or other more flexible form of review.

The compassionate grounds were related to family breakdown. The appellant's father moved out of the family home leaving the appellant's mother, sister, brother and the appellant with serious financial problems. Psychiatric evidence confirmed the dramatic effect of these stressful events and times on the family and on the appellant. That they would have an effect on her performance was not doubted by the Faculty, which had not been made aware of them.

The Committee's conclusion is that the appellant, who has made a good recovery with counselling, should not have to wait until the requirement of a social science credit is met before being permitted to proceed with her second year. In the circumstances it is an undue burden.

The appellant also raised an argument based on the nature of the supplemental examination. The Committee need not, and therefore does not, address it. It is an issue with significant implications.

The appeal is allowed. The appellant should be permitted to proceed with her second year program but must fulfil the requirement of a social science first-year subject next summer. The appellant would be well advised to assess her progress carefully at Christmas to anticipate any problems about which she should seek advice.

Secretary
October 25th, 1991

Chairman