

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

REPORT NUMBER 166 OF THE ACADEMIC APPEALS COMMITTEE

August 23rd, 1993

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Monday August 23rd, 1993 at 1:00 p.m. in the Flavelle Room, Faculty of Law, 78 Queen's Park Crescent before:

Professor A. W. Mewett, Q.C. (Chair)
Professor J. Brailey
Ms P. Cross
Professor M. Moskovits
Professor J. T. Mayhall

In Attendance:

Mr. M.P., the Appellant
Mr. S. Satchel, Downtown Legal Services, for the Appellant
Acting Dean Stieb, Faculty of Pharmacy
Ms Heather Ditzend, Faculty of Pharmacy.

The appellant failed three courses in Third Year Pharmacy and received a weighted average of less than the required 60%. As a result he failed his year. He appealed to the Faculty Appeal Committee which upheld the Faculty's decision. In its opinion, the student's marks did not warrant advancement to Fourth Year and the committee did not believe that the student had the capability of passing the three supplemental examinations sufficiently well to raise his overall weighted average to 60%. As a result, the student was left at liberty to apply for re-admission to Third Year.

The student appealed to the Academic Appeals Committee, and requested:

- (i) that he be advanced to Fourth Year; or, in the alternative;
- (ii) that he be permitted to write supplemental examinations in each of the three failing courses; or, in the alternative
- (iii) that he be re-admitted to Third Year.

The Committee heard submissions from the student's Counsel and heard evidence from the student. The Committee also heard submissions from the Faculty of Pharmacy. The student asked the Committee to allow the appeal on the basis of humanitarian and compassionate grounds which involved not only the student's own health problems but also the health and

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financial problems of his father. The student contributed financially to his family's income and spent a considerable amount of time discharging family obligations.

The student outlined his work habits and provided the Committee with information as to his weekly schedule of activities.

The student also pointed out that some of the grounds advanced by the Faculty Appeal Committee as reasons for rejecting his initial appeal were either matters of conjecture or were not supported by the evidence.

In addition, the student assured the committee that he had been studying the failed courses over the summer, that his health and family problems were now resolved and that he feels able to concentrate on his studies in the future. The committee heard final submissions from Mr. Satchel and Ms Ditzend.

The Academic Appeals Committee's decision is that the student's appeal be allowed and that he be permitted to write supplemental examinations in:

PHM306Y - Medicinal Chem. 1
PHM327H - Drug Analysis
PHM330Y - Pharmaceutics II

Such examinations to be written no later than September 15th. The results of these examinations will determine the future standing of the student.

In the opinion of the committee, the Appellant has made out a case for some relief based on humanitarian and compassionate grounds, but he clearly has not demonstrated that he should be permitted to proceed to Fourth Year Pharmacy. The student's overall record is not particularly good and there is no justification for granting aegrotat standing in the three failed courses in view of the fact that he has not demonstrated that he would have passed the examination had his personal difficulties not intervened. On the other hand, merely to grant the student permission to reapply for admission to Third Year would hardly be likely to result in his actual admission but to require or even strongly recommend that the Faculty re-admit him could result in injustice to other, more deserving, applicants.

In the Committee's view, the best course of action would be to permit the student to write the three supplemental examinations in order to pass these three courses and bring his weighted average up to the required 60%, thus permitting him to proceed to Fourth Year.

Secretary

Alan W. Mewett, Q.C
Acting Chairman

August 24th, 1993