

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL
REPORT NUMBER 127 OF THE ACADEMIC APPEALS COMMITTEE
October 27th, 1989

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Friday, October 27th, 1989 at 1:30 p.m. in the Board Room, Simcoe Hall, at which the following were present:

Professor J. B. Dunlop (Chairman)
Professor K. G. McNeill
Dr. D. Murdy
Mr. D. Power
Professor W. Rolph

Ms Susan Girard, Governing Council Secretariat

In Attendance:

Ms *T.*
Mr. Symon Zucker, Danson and Zucker, Counsel for the Appellant
Dr. Norman Levine, Acting Dean, Faculty of Dentistry

At a meeting on October 27th, 1989 the Academic Appeals Committee heard the appeal of *Ms T.* from a decision of the Appeals Committee of the Faculty of Dentistry dismissing her appeal based on compassionate grounds to be allowed to proceed to fourth year while repeating the course in Oral Medicine and Pathology which she had failed in third year. The Faculty's decision had been that she should repeat the course as a part-time student before proceeding to fourth year, at the same time maintaining her clinical competence through a program arranged by the Faculty. This decision complies with the Faculty regulation as published in the applicable calendar. Consequently the Committee is bound to adhere to the rule in the absence of extenuating compassionate circumstances. The decision of the Committee is that the appeal must be dismissed.

The appellant, whose marriage had ended in divorce, had entered the Faculty as a mature student at the age of 37. She had the equity in a town house in Brampton which she had acquired with her own money, some savings and she worked as a laboratory technician to pay her way. In first year she failed three courses but passed the supplementals. In second year she passed. In third year she failed three didactic subjects but passed two of them on supplementals. She presented evidence of Dr. Turrall, a well-qualified clinical psychologist who had conducted extensive interviews and testing and who testified that the appellant was an intelligent person with a superior personality who was suffering from stress due to financial and time constraints. She was working long hours both outside and inside the Faculty.

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The psychologist had suggested to her that she sell the house, move closer to the University and resolve her difficulty in that fashion. She had resisted this proposal. Because she had been independent from the age of 16 and because of her family problems the house was important to her, giving her a sense of pride, security and autonomy. She feared that an extra year would be more than she could manage financially and that she would "lose" the house. She had never had a student loan or other bank loan but her savings were dwindling and she intended to obtain a loan to finish. She thought it would be more difficult to arrange if an additional year lay between her and full employment on graduation.

While being sympathetic to the appellant's difficulties and respectful of her accomplishment to date, the Committee did not believe the problem fell within the accepted meaning of compassionate grounds, or extenuating circumstances. Financial problems burden many students. They do not justify restructuring, in effect, the requirements of the program to meet the appellant's problem. The professional judgment that a student should not undertake fourth year without having completed the third year is obviously not a judgment the Committee can call in question. We can surmise that there are cogent reasons for this regulation.

The appellant's case is that this is not just a financial problem and in a sense that is true. The house is more to her than just a resource worth a certain sum of money. But while this stress might be justification for special consideration in respect of past difficulties, the Committee does not see how it can be relied on to rearrange future requirements. What she has been required to do is to consolidate her academic position before moving on, which seems altogether sensible and in her best interests as a potential skilled professional.

While the Committee cannot pretend it is qualified to give expert advice in the matter, it seemed to us that the appellant might explore refinancing the house or renting the house either of which, while not ideal, would appear to be a reasonable alternative to giving it up altogether and the Committee has difficulty believing that no adequate arrangements can be made.

The appeal is dismissed.

Secretary
November 6th 1989

Chairman