

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 143 OF THE ACADEMIC APPEALS COMMITTEE

September 25th, 1991

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Friday, September 25th, 1991 at 9:00 a.m. in the Council Chamber, Simcoe Hall at which the following were present:

Professor S. Waddams, Acting Chairman
Professor C. C. Brodeur
Ms P. Haist
Professor J. Nautiyal
Mr. C. Walker

Ms Susan Girard, Acting Secretary,

In Attendance:

Dr. W₃ the appellant
Ms Lana Kerzner, Downtown Legal Services, counsel
for the appellant
Professor B. J. Sessle, Dean, Faculty of Dentistry

In hearing and deciding this appeal we have been much assisted by the helpful submissions of Ms Kerzner and of Dean Sessle.

Dr. W₃ is appealing against his failure in DEN130S, Restorative Dentistry, and against the effect of that failure which is, according to the Faculty regulations, a requirement of repeating first year. Dean Sessle informed us that on the initial marks Dr. W₃ had failed in three subjects. The consequences of strict application of the Faculty rules would have been failure without permission to write supplemental examinations. However, one of the marks was raised by the Faculty, thereby making Dr. W₃ eligible to write two supplemental examinations. He initially failed both of these, but the mark in one was raised. The other is the failure that gives rise to this appeal. Dr. W₃ wrote but failed the supplemental examination in this subject.

Dr. W₃'s appeal was based on extenuating circumstances, namely the extent of his commitments outside the program, particularly in the need to work part-time in order to support his family, and the work required to complete another degree program (Master of Science).

In our opinion, in view of the consideration already shown to Dr. W₃ by the Faculty, the extenuating circumstances are not sufficient to justify any further waiver of the Faculty requirements. We take into account the considerations that other students were under financial pressure and had external commitments, and that the circumstances were foreseeable when Dr. W₃ entered the program. We are not persuaded that the external commitments were necessarily the cause of his failure in DEN130S. We take into account also Dr. W₃'s overall poor performance in the first year, and the Faculty requirement that competence in the didactic subjects should be demonstrated before the commencement of the second year. Though none of these factors, taken alone, is conclusive, we think that, taken together, they are significant. Accordingly, the appeal is dismissed.

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We would recommend that the Faculty might give consideration to the possibility of making clearer to students that satisfactory performance in the didactic course in Restorative Dentistry is required in addition to satisfactory performance in the pre-clinical course of the same name. Consideration might also be given to the publication of some guideline on how many hours of outside work are considered compatible with a full-time program of studies.

Secretary
September 26th, 1991

Acting Chairman