

**UNIVERSITY OF TORONTO**  
**THE GOVERNING COUNCIL**

**REPORT NUMBER 160 OF THE ACADEMIC APPEALS COMMITTEE**

**February 1st, 1993**

To the Academic Board,  
University of Toronto.

Your Committee reports that it held a hearing on Monday, February 1st, 1993 9:30 a.m. in the Flavelle Room, Faculty of Law, 78 Queen's Park Crescent at which the following were present:

Professor A. Weinrib, Vice-Chairman  
Professor C. Amrhein  
Mr. E. de Gale  
Ms P. Haist  
Professor J. T. Mayhall

Ms L. Snowden, Secretary

In attendance:

Mr. L.M., the appellant  
Ms H. Simand, Cornish Advocates, counsel for the appellant  
Dr. W. H. Francombe, for the Faculty of Medicine

On February 1st, 1993 the Academic Appeals Committee of the Governing Council heard the appeal of Mr. L.M., a student in the Faculty of Medicine.

Mr. L.M. was required to withdraw from the Faculty of Medicine after the Faculty determined that he had failed third year in 1990-91. This determination was based on the appellant's failures in Medicine, Obstetrics/Gynaecology and Ophthalmology. The examination in each of these three courses was by way of a multiple-choice test. Under the Faculty's rules, Mr. L.M. was forced to withdraw from the Faculty because, in addition to the 1990-91 results, he had failed a previous year.

Mr. L.M. appealed the Faculty's decision to the Faculty Appeals Committee. On September 24th, 1992, the Appeals Committee determined that the appellant be permitted to repeat third year as soon as it can be accommodated and that his failure of third year stand. The Appeal Committee's decision was as follows:

That the appeal be upheld in part; that all relevant evidence not available to all individuals assessing Mr. [L.M.], and sufficient additional alternative testing methods were not used; that Mr. [L.M.]'s failure of year 3 stand, and that he be required to repeat year 3 as soon as it can be accommodated; and that the

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Associate Dean, Undergraduate Medical Education, or his delegate, insure that appropriate accommodation be instituted to address his learning disability.

Mr. L.M. appeals that part of the Committee's decision that his failure of third year stand.

As evidenced from the decision of the Faculty's Appeal Committee, that Committee accepted that Mr. L.M. has a learning disability which prevents him from performing up to his potential on multiple-choice tests. The Faculty of Medicine accepts this position and is presently working with Mr. L.M. to settle on the proper accommodations in terms of examinations in the future.

Counsel for Mr. L.M. argued that it was not fair to characterize Mr. L.M.'s efforts in 1990-91 in the three courses involved as failures because the proper accommodations for his disability were not made. This Committee accepts that argument and allows the appeal so that Mr. L.M. will not be considered as a failed third-year student by the Faculty. This means that Mr. L.M.'s transcript should be changed to reflect our decision that he be considered not to have failed third year. His 1990-91 transcript should be amended to reflect this decision. His numerical marks and grades in Medicine, Obstetrics/Gynaecology and Ophthalmology should be deleted from this transcript and in their place the notation "not recorded for medical reasons" should be substituted.

Ms L. Snowden  
Secretary

Professor A. Weinrib  
Vice-Chairman

March 12th, 1993