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**CULHANE
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University Sued by Microbiology Student in “Unusual Case” *By Amanda Stutt*

Just how responsible should a university be for a student’s success? Are institutions legally responsible for delivering a proposed course syllabus? The answers to such thorny questions are being discussed in a Canadian courtroom after a graduate of Ontario’s Western University [sued the school](#) for \$11 million over allegations of “substandard education.”

The plaintiff, Dr. James Stuart, a graduate of the University’s medical microbiology specialist program, claims the course structure disintegrated around him while he was in his third year of residency—and that the school failed to give him the education he required to pass a qualifying medical microbiology exam.

Stuart’s statement of claim alleges that key faculty left, that he was the sole candidate remaining at the time of his graduation, and that no students have been enrolled in the program since he graduated.

Western University is reportedly appealing the permission to proceed with the lawsuit, on the basis that the decision was “inconsistent with the manner in which the law has developed in this area.”

[Mishell Kneeland](#), a partner at Austin, Texas-based law firm [Culhane Meadows](#) is a trial lawyer whose practice includes employment litigation, and defense of state and local governments, including universities.

“It’s a very unusual case—it’s generally pretty hard to sue a university over allegations that you didn’t get the education that you expected,” Kneeland said.

Kneeland said a key question is over the university’s actions as problems arose—for instance, one option could have been a transfer to another microbiology program.

“Educators should have a duty to educate—this doesn’t seem like he’s alleging that they gave him a poor education—[he’s saying] that they failed to educate him at all,” Kneeland said.

So could this lead to a form of precedent being set for duty of care in higher education?

Kneeland doesn’t believe so, but she does believe the case will settle.

“This one is such an egregious and specific set of facts...and bad facts make bad law,” Kneeland said.

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