

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 74 OF THE ACADEMIC APPEALS BOARD

September 10th, 1982

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a meeting on Friday, September 10th, 1982, at 2:00 p.m. in the Council Chamber, Faculty of Pharmacy, at which the following were present:

Professor J.B. Dunlop (In the Chair)
Mr. David Bessen
Professor Ernest G. Clarke
Mrs. Joan R. Randall

Professor Roger M. Savory
Principal Peter Silcox
Professor Victor G. Smith
Mr. Ross Smith, Governing
Council Secretariat

In Attendance

Mr. L.
Mr. W.
Counsel for Mr. L. and
Mr. W.
Mr. Symon Zucker
Mr. Brian A. Grosman, Q.C.

Dean A.R. Ten Cate,
Faculty of Dentistry
Dr. Richard P. Ellen,
Faculty of Dentistry
Dr. E. D. Fillery,
Faculty of Dentistry
Dr. H.J. Sandham,
Faculty of Dentistry,

THE MEETING WAS HELD IN CLOSED SESSION

THE FOLLOWING ITEMS ARE REPORTED FOR INFORMATION

1. Mr. L.

At a meeting on September 10th, 1982, the Academic Appeals Board considered an appeal by MR. L. from a decision of the Academic Appeals Committee of the Faculty of Dentistry refusing the appellant's request to have a failing grade of 58% assigned to him in the supplemental examination in second year Microbiology raised to a passing mark of 60%. The decision of the Board is that the appeal should be dismissed.

The basis of the appeal was that when, in accordance with the established practice in the Faculty of Dentistry the appellant's paper, after being marked by the supplemental examiners was given to an independent marker to be re-read, the marks assigned by the original examiners appeared opposite the questions on the paper. It was the appellant's contention that these marks might have affected the judgment of the independent marker and that the paper should have been presented to him with the grades removed. The Board, however, did not see this as a ground for allowing the appeal for two reasons:

1. The independent marker would have known in any event that the original grade was a failure since only failed papers are re-read in this fashion. Thus, even if his judgment were likely to be affected by knowledge of the assessment made by the original examiners it would be equally likely to occur if the marks did not appear on the paper.
2. In any case, the practice in the Faculty is to ask the independent marker to determine whether the original mark assigned was a fair one, not to grade the paper ab initio. This seems to the Board to be a reasonable and fair approach and one that is common in this context.

The appeal is therefore dismissed.

2. Mr. W.

At a meeting on September 10th, 1982, the Academic Appeals Board heard the appeal of Mr. W. from a decision of the Academic Appeals Committee of the Faculty of Dentistry refusing his request to withdraw from the Faculty without academic penalty retroactive to December, 1981. The decision of the Board is that the appeal should be dismissed.

The appellant entered first year dentistry in the academic year 1981-82. He failed the year, failing six of nine didactic subjects although passing both preclinical courses. He had written two final examinations in didactic subjects in December of 1981 and had not been informed of the grades obtained on those examinations until the end of the academic year when he reviewed the results along with the results of his spring examinations. This was in accordance with the existing faculty policy which, however, has now been changed so that beginning in the academic year 1982-83 students who write examinations in December will be informed of the grades in January. It was the appellant's contention that the original rule was unfair, in that it deprived him of the opportunity to withdraw in January. While knowledge of one's Christmas grades would certainly be relevant to such a decision, the appellant was already aware from the fact that he had failed a number of term tests that his performance was marginal at best. It seems to the Board unlikely that the appellant, possessed of knowledge of his examination results, would have withdrawn from the first year since it would still have been entirely possible for him to pass the year on the basis of his spring results and supplemental examinations. In any event, while the Board takes the view that the change in the Faculty regulation is a wise one, it does not follow that the previous rule was improper. It was one students had known about and lived with for years. It made life a bit uncertain but not unfair. Nor does the Board believe that the appellant would have a great deal to gain by being allowed to withdraw retroactively because his transcript would still disclose the fact that his record at the time of withdrawal was a failing one.

The appeal is dismissed.

Secretary
November 26th, 1982.

Chairman