

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

REPORT NUMBER 277 OF THE ACADEMIC APPEALS COMMITTEE

To the Academic Board,
University of Toronto

Your Committee reports that it held a hearing on Monday, February 24, 2002, at which the following were present:

Professor Ed Morgan, Chair
Dr. Alice Dong
Ms. Durré Hanif
Professor Ellen Hodnett
Professor John Furedy

Mr. Paul Holmes, Judicial Affairs Officer (Secretary)

In Attendance:

Mr. G.S., the student
Professor Rashmi Desai, Associate Dean, School of Graduate Studies
Professor J.D. Lavers, Associate Chair, Graduate Studies, Department of
Electrical and Computer Engineering

This is an appeal from a decision of the Graduate Academic Appeals Board (“GAAB”) dated June 28, 2000, which dismissed the appeal of the student, Mr. G.S., from the decision of Associate Dean Cormack of the School for Graduate Studies, which had in turn dismissed the student’s request to change a failing grade which he received in the Department of Electrical and Computer Engineering’s course ECE1757G. The course was originally taken by the student in the Fall of 1995, and the student’s performance in the course was re-evaluated in August 1998.

Upon receiving a failing grade for the course, Mr. G.S. first requested a review by the course instructor, Professor Corinna Lee. She undertook the review and confirmed her original mark. Mr. G.S. then appealed to the Associate Chair of Graduate Studies, Professor A. Leon-Garcia, who requested, and received, a further review of the grade from Professor Lee. By letter dated September 9, 1996, Professor Leon-Garcia advised Mr. G.S. that he would not revise the failing grade. Mr. G.S. then appealed to the Department’s Appeals Committee. On that appeal, the Committee directed that Mr. G.S. could write a new examination to count for 50% of the course grade, but Mr. G.S.

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declined to do so, explaining that he had other commitments. At this point, the Appeals Committee decided to replace the existing failing grade with a grade of “Incomplete”.

Mr. G.S.’s next step was to appeal to Associate Dean Cormack on March 7, 1997. This appeal was dismissed, and so Mr. G.S. filed a further appeal to the Applications and Memorials Committee (the predecessor to the present GAAB) on September 11, 1997. That appeal, however, did not proceed, as the Graduate Department and Mr. G.S. both agreed that there would be a further re-evaluation by Professor Lee, which was to take place in mid-December 1997. As it turned out, Mr. G.S. objected to the marking distribution which Professor Lee proposed using for the new evaluation. Mr. G.S. therefore refused to proceed with the re-evaluation by Professor Lee, and on January 11, 1998 he requested a further reconsideration of this matter.

On March 9, 1998, the Department’s Appeals Committee ordered a re-evaluation of Mr. G.S.’s projects for the course by a new examiner. Professor P. Chow, Chair of the Computer Group within the Graduate Department, arranged for the re-examination to be done by Professor David Lewis. Professor Chow scheduled the re-evaluation for August 20, 1998, and by letter dated June 8, 1998 set out for Mr. G.S. the procedure and the means by which the final course grade would be established once the results of the re-evaluation were received.

The re-evaluation by Professor Lewis took place as scheduled, and once again Mr. G.S. received a failing grade. This was then appealed by Mr. G.S. to the Associate Chair of Graduate Studies of the Department, Professor Venetsanopoulos, who dismissed the appeal after reviewing the reports of Professor Lewis and Professor Chow. Mr. G.S. further appealed to Associate Dean Cormack, who also dismissed the appeal, leading to Mr. G.S.’s next step of appealing his course grade to the GAAB. In a unanimous decision, GAAB dismissed Mr. G.S.’s appeal, and he has now sought to exercise his ultimate right of appeal to this Committee.

In its decision of June 28, 2000, the GAAB held that the re-evaluation by Professor Lewis in August 1998 represents a new point of departure for this appeal. This Committee agrees with GAAB’s holding. Any possible flaws in the previous evaluations were cured once the Department’s Appeals Committee directed a re-evaluation and that re-evaluation took place. At the hearing, Mr. G.S. raised an argument about Professor Lewis’ qualifications to conduct the re-evaluation, but the Committee finds no evidentiary basis for that complaint. Professor Lewis is an expert in computer simulation language, and all of the evidence points to his being more than qualified to conduct the re-evaluation which he was mandated to do.

Mr. G.S. raises two objections to the procedures pursued by Professor Lewis in the re-evaluation. The first of these is that Professor Lewis’ grade turned out to be lower than Professor Lee’s original grade. The committee finds no merit to this objection. A student who requests a re-evaluation of course work is always open to the possibility of a reduction in the grade. It is a measure of the objectivity of Professor Lewis’ re-evaluation that he did not assess Mr. G.S.’s work as against the yardstick of Professor Lee’s grade

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but rather assessed it on its own strengths. The fact that Mr. G.S. came up even shorter on this re-evaluation does not in any way undermine the strength or fairness of the re-evaluation.

Mr. G.S.'s second objection to Professor Lewis' re-evaluation is that Professor Lewis apparently never consulted with Professor Lee before determining the new grade. Again, this Committee finds no merit in Mr. G.S.'s objection. Professor Lewis is independently expert in the field under examination, and was not obliged to consult with Professor Lee regarding Mr. G.S.'s re-evaluation. Indeed, such a consultation might itself have been considered improperly collusive. Professor Lewis acted properly in conducting the re-evaluation independently. Mr. G.S. has not made out any case of unfairness in the re-evaluation process.

The balance of Mr. G.S.'s objection to Professor Lewis' re-evaluation goes not to process but to the substance of the grade. This Committee is not in a position to re-evaluate Mr. G.S.'s course work, and, indeed, there is no reason to do so given Professor Lewis' expertise in the field and the fairness of the process in which he engaged. For these reasons, the appeal is dismissed.

As a final point, the Committee notes that Mr. G.S. advised it during the course of his submissions that he had surreptitiously tape recorded one of his conversations with Professor Lewis. Although this plays no role in the Committee's disposition of this appeal, the Committee members wish it to be known that they take a dim view of such conduct. Recording a conversation with a member of the university community without that person's consent is contrary to the atmosphere of good faith in which the business of the university is conducted. The environment prevailing in the university requires that matters such as these be approached in a manner which respects the integrity of all persons – faculty, students, and administration – involved in the process.

March 27, 2003

Paul J. Holmes
Secretary

Ed Morgan
Chair

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