

**THE UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

**Report #361 of the Academic Appeals Committee
September 29, 2011**

To the Academic Board
University of Toronto

The Academic Appeals Committee reports that it held a hearing on Wednesday, 22 June, 2011, at 1:00 p.m., at which the following were present:

Assistant Dean Sara Faherty, Chair
Professor Ellen Hodnett, Faculty Panel Member
Mr. Kent Kuran, Student Panel Member

Secretary: Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances
Robert Hares, Law Student, Appeals, Discipline and Faculty Grievances

Appearances:

For the Student-Appellant:

The Student, No appearance

For the University of Toronto, Scarborough Campus ("UTSC"):

Vice Dean Professor John Scherk;
The Professor for SOCC11H3 (hereinafter "the Professor"), Assistant Professor in Sociology, UTSC, via audio-video internet connection;
Ms. Sari Springer, Cassels Brock (Counsel for UTSC).

This University Committee was convened on Tuesday, 22nd June 2011 to hear a Student Appeal for a re-read of her course work and final examination in SOCC11H3, *Policing and Security*.

I. The Appeal

The Student is appealing the decision of the Divisional Appeals Board, announced in a letter dated October 22nd, 2009, which denied her petition for a re-read of course work (a mid-term examination and an essay) and her final examination in SOCC11H3, *Policing and Security*. This letter informed the Student that minor changes in the points or marks written on papers are common because grading is an iterative process. It asserted that changes like that do not constitute evidence that a paper must be re-read. The October 22nd letter also states that the Student did not provide sufficient circumstances and details concerning her paper and final examination to warrant a re-read of either the term paper or the final examination.

The only issue remaining in this appeal is the Student's request for a re-read of her course work. The petition for a re-read of her final examination was treated separately and has been resolved.

The Student was appealing the original denial of her petition for a re-read of term work in SOCC11H3, which was denied by the Subcommittee on Standing in a message posted on October 7th, 2009.

II. Preliminary Issue: Motion for Adjournment

Before commencing the hearing on the issues in this appeal, the Student made three requests for an adjournment. The first was an oral request at the beginning of her 9:00 a.m. hearing on the morning of June 21st regarding her petition for a re-read of course work in POLB80H3, Introduction to International Relations. The second was another oral request at the end of her 11:00 a.m. hearing, regarding her petition for a re-read of course work in POLC54H3, "Intergovernmental Relations in Canada," on the morning of June 21st. The third was submitted in writing to the Office of the Governing Council, prior to the beginning of this hearing. The Student's primary argument for postponing this 1:00 p.m. hearing was that she had a mid-term examination scheduled for later the same evening. She also argued that she found hearings to be emotionally stressful.

Each of these requests for an adjournment was denied on the grounds that a mid-term examination scheduled the evening of an afternoon hearing did not present a conflict that warranted an adjournment.

III. Reasons for Denying the Request for Adjournment:

Scheduling this hearing has been a long, arduous process. The history of the efforts made by the Office of Appeals, Discipline, and Faculty Grievance [hereinafter, "ADFG"] to accommodate the Student in scheduling this hearing is too complicated to detail here. Efforts to schedule three hearings for the Student's three separate appeals commenced in July of 2010. The ADFG Office made multiple attempts to schedule a hearing, several dates being either expressly declined by the Student, not responded to at all, or responded to in such an untimely manner that the proposed dates became unfeasible. In January of 2011, the Student-Appellant requested that all three hearings not be scheduled on the same day. This request was accommodated. In February of 2011 the Student-Appellant was informed that her hearings would be scheduled during June, and that the hearings would be made peremptory to the Student Appellant, meaning that no further adjournments would be entertained, and that the hearing would proceed at that time. The ADFG Office's decision to make the hearing dates peremptory was in consultation with the Senior Chair, was supported by the extreme difficulty it had in scheduling these hearings and the amount of time that had already elapsed since the three petitions were filed by the Student, and because the Student herself in her appeal materials requested that the hearings be expedited.

A Notice of Hearing was sent to the Student on April 13th, 2011 setting the mornings of June 21st and June 22nd as the dates of the Hearings. This letter was signed by Katherine Hilton, Senior Chair, who reminded the student that these dates were peremptory to the Student, and explained that peremptory means the Hearings will proceed even if she does not attend.

On April 14 the Student contacted the ADFG Office and asked that the June 22nd hearing date be moved from the morning to the afternoon. The Student's request removed any doubt that the Student had received the scheduling communication from the ADFG Office, an issue that had arisen in earlier attempts to schedule hearings. Her request for a later timeslot on June 22nd was accommodated. Again, this new hearing date and time was made peremptory to the Student.

At her hearing on June 21st at 9:00 a.m., the Student informed the ADFG Office and this Committee for the first time that she had a mid-term scheduled for 6:00 p.m. on the following evening, and requested an adjournment of the 1:00 p.m. hearing on that day. When she made her request, the student asserted that the ADFG had been aware that she had a mid-term scheduled for the evening of June 22nd, 2011, on April 11th when it first proposed this date. The ADFG flatly denies ever having had any knowledge of the Student's mid-term examination schedule for her upcoming summer term courses, and the fact that the Student herself asked this hearing time be changed from the morning to the afternoon suggested that she was available to attend. At no time prior to the actual date of the first hearing on June 21st did the Student state she could not attend, and this was also the first time she stated she had a mid-term.

The Chair determined that an exam scheduled for several hours after a peremptory hearing date did not pose a conflict that warranted adjourning the hearing. The Chair informed the Student Appellant that her request would be noted, but that the June 22nd hearing would not be adjourned. The Committee notes that the ADFG Office originally scheduled this hearing for 9:00 a.m. on June 22nd, and only moved it to the afternoon to accommodate the Student's request that it be later in the day. The Student's April 14th request to change the starting time of the hearing was properly understood by ADFG Office as her tacit acknowledgment that the 1:00 p.m. time slot was feasible as she did not seek an adjournment.

At her the end of her second hearing on June 21st the Student renewed her request for an adjournment of the June 22nd hearing, making essentially the same arguments she had made during the earlier morning hearing. Again, the Chair determined that she did not have a conflict that warranted an adjournment.

The Student's third request for an adjournment was made the following day, around the time the 1:00 p.m. June 22nd hearing was scheduled to commence in Sidney Smith Hall. The Student hand delivered a letter addressed to the Chair of this Committee at the ADFG Office in Simcoe Hall. The hearing was postponed until the letter could be retrieved and read. In her letter the Student Appellant renewed her request for an adjournment, again citing her evening exam and noting that the hearings on the previous day had been stressful.

The Chair again determined that the evening exam did not present a conflict warranting an adjournment of a peremptory hearing date, noting that the Student had received ample notice of both this hearing date and the date of her midterm; that the Student had not requested a deferral of her midterm; that the nature of hearings is that they are stressful; that the hearings had been spread over two days at the Student's request, and that this specific hearing had been moved to the afternoon of June 22nd to accommodate the Student's request. The Chair found no evidence that this hearing was deliberately scheduled to inconvenience the Student. The Student was

obviously aware that the hearing was scheduled to proceed. Because the Student was present on campus at the time of the hearing, the Committee determined that she was able to appear at the hearing, and that her absence from the hearing was the result of her choice and not due to a lack of notice or because of illness.

The Chair and the other Committee members considered whether to proceed in the absence of the Student. The Committee concluded that the Student was provided with adequate notice of the hearing, that sufficient grounds to warrant an adjournment had not been raised, the Student's actual availability to attend the hearing was demonstrated by her presence on campus, and decided to proceed with the hearing in the absence of the Student. The Committee waited an additional 30 minutes in the hopes that the Student would reconsider and appear, but when she did not the hearing commenced.

IV. The Facts

The Student took SOC11H3, *Policing and Security*, during the Summer term of 2009 with the Professor. She received an 18/30, or 60% on her mid-term exam, which was worth 25% of her total course grade. She received a 60% on her research essay, which was worth 35% of her final grade. In addition to the number 60 written on the front page of the essay, the letter "C" was written, and "C+" was written next to that mark. The final essay mark was later changed to a 69% (see below).

The Student reports that her mid-term examination was returned two days before her final exam. She asserts that the scoring methodology for both assignments is not clear to her. She is suspicious of the fact that the mark on her mid-term essay was changed two times, and that of the three separate marks that were handwritten on her mid-term essay, the lowest one was recorded as her official mark. She reports that she visited the Professor on August 19th, 2009, and expressed confusion because she could see three different grades on her document. She says that the Professor explained that what he recorded on the intranet is her grade, regardless of what she could see on the paper.

The Student lists several grievances revolving around the result of her confusion about her final mark for the course, including an academic suspension that was triggered when a grade of 57% was recorded. Ultimately the Student prevailed upon the acting Chair of the Division, to change the mark on her mid-term essay assignment to the highest mark written on the document, a C+, which he converted to a numeric grade of 69%. This affected her final course mark, increasing it from 57% to 61%, which meant that she was no longer liable for an academic suspension.

Please note that while at some stages of this process the Student and the Division refer to the Student's desire to have her final examination and her course work re-read, this panel is only considering the Student's petition for a re-read of her course work, which includes an essay and a mid-term exam. The Student made a separate petition asking for her final examination to be re-read, and that issue has been resolved. Any issues involving the final examination are *not* addressed in this appeal.

V. The Student's Grounds for Appeal

The student lists three primary grounds for her appeal.

Briefly, the Student's stated grounds for requesting a re-read of her term work are:

- A. the Student's course work was under-evaluated;
- B. the instructor's written marks on the Student's term essay and mid-term exam were unclear and contradictory;
- C. administrators acted improperly in regard to this petition.

UTSC bases its defense to these claims on the plain language of its policy, which requires students requesting re-reads of course work or examinations to make a specific, academically substantive argument detailing how their work was under-evaluated. In the absence of such arguments, the Division argues, the re-read was properly denied.

A. The Student's Course Work was Under-Evaluated

The Student challenges the "continuous under-evaluation and numerous changes of grade" on her mid-term essay. Regarding the mid-term exam, the Student points out that some of her questions were not marked, and that there were numbers written on the front of the exam that she did not understand. She asserts that her mid-term examination was "in accordance with" the text and the Professor's slides and notes.

UTSC relies on the plain language of its calendar entry. In Section D, on *Petitions*, students are informed of the exclusive grounds for a re-read:

"Petitions for re-reading of final examinations and of term work returned to you after the end of a session and after the instructor has submitted grades for the course will be granted only if you:

- "Articulate clear grounds for reconsideration, addressing the substance of an answer in relation to the mark given it or otherwise identifying the nature of the alleged misevaluation;
- "Show that the alleged misevaluation is of a substantial nature: in an objective answer, that a correct response has been counted as incorrect, or in a subjective or essay answer, that the response has been under-evaluated substantially.

UTSC maintains that the Student has not presented a detailed, academic argument that would warrant a re-read. The Student's argument that her answers were in accordance with the text and the Professor's notes and slides is vague and conclusory, and does not constitute the kind of specific, detailed argument that particular answers were not properly accorded credit.

The Professor testified that while he did not re-read the exam for the purposes of re-evaluating the mark, he did go over it. He testified that he found the Student's written submission to lack

the in-depth analysis that exams receiving higher marks had received. The Professor reports that the Student's mid-term exam missed core concepts and themes that he had stressed during classroom lectures. He refuted the Student's claim that her answers were in accordance with the material he had asked students to master. Specifically, The Professor testified that he had stressed specific policy spheres during his lectures, and discussed them extensively during class. He pointed out that he had written those three themes in the margins of the second page of the Student's midterm, suggesting that a more complete answer would have addressed those themes. He testified that he believed the grade of C- was the appropriate mark for that essay.

B. Written Marks on the Student's Term Essay and Mid-Term Exam Were Unclear and Contradictory

This Committee will first address the Student's arguments regarding her mid-term essay and then her mid-term exam.

1. The Mid-Term Essay

The Student reports that on her essay the Professor "openly changed my essay grade from a 69% or a C+, to a 65% or a C, and then to a 60 or a C-." The Student argues that these changes prove that the instructor is prejudiced against her. In a letter dated September 18th, 2009 she writes: "whether this can be termed prejudice, discrimination, or irregularities, either of which is still inconsistent and shows a lack of integrity. I cannot say if someone is influencing my grads [sic] or the professor has an explanation for this but the bottom line is that he did something showing prejudice."

The Professor testified that his system of marking is iterative. He evaluates each paper several times, and notes several grades as his understanding of the quality of the students' submissions becomes more refined. He pointed out that the first mark may have been made by a Teaching Assistant. The Professor finds grading to be a repetitive process, wherein it is necessary to move back and forth among all the essays in order to be fair and consistent. He testified that it is not at all unusual for him to change marks as he draws more refined conclusions about the complete set of papers that he receives.

The Professor told the Committee that during class he explained to all of the students that there might be several marks on their exams, but that there would be only one numeric mark, and that would be the final mark and would be recorded. He testified that he also explained this to the Student-Appellant individually when she asked about the marks written on her exam, and that she seemed to understand and accept his explanation.

The Division invoked the clearly stated policy that students desiring re-reads, are required to make substantive arguments about the academic merit of their work. UTSC asserts that the Student's confusion about the various markings on her paper do not amount to an academic argument supporting a re-read of the essay.

The Division also pointed out that this argument regarding the mid-term essay is no longer relevant, since the Student's grade has already been changed to the highest grade written on the

exam. This grade change was effected not through the process of a substantive re-read, but was made by the Acting Chair of the Department. UTSC believes that there was no harm caused by the fact that other marks were written on the mid-term essay, and therefore there is no need for a remedy. Even if there were the need for a remedy, however, UTSC points out that the solution of changing the mark to the highest mark written on the paper has been granted, so this issue has already been resolved in the Student's favour.

2. The Mid-Term Exam

The Student finds some sections of her mid-term examination sparsely marked, including some sections that had no markings on them. She saw numbers that she does not understand in the margins of the paper.

The numbers written on the examination (1, 2, 1, and 1 on *Question 1*; 4 on *Question 2*; 3 on *Question 3* 6 on *Question 4*; and 0 on *Question 5*) add up to eighteen, the score she was given. The only question for which the Student received no credit is clearly marked with a 0, and a written comment suggesting the areas she needed to address. Though there are some areas that have no points assigned, they contain underlining and some written comments that demonstrate that the instructor read those parts of her answers.

The Division submits that the Student's request for a re-read of her term work was not supported by a substantive argument that the mid-term exam had been under-evaluated. The Student's argument that her answers were in accordance with the text and the Professor's notes and slides is vague and conclusory, and did not present the specific details regarding her answer that would warrant a re-read.

The Student also complains that her mid-term examination was returned to her in an untimely manner, and that this did not allow her to use it for purposes of preparing for her exam, which was two days later.

The Professor testified that the timing of the return of the mid-term examination was immaterial. He reported that his final examination was not cumulative, but rather it covered only material introduced after the mid-term. In other words, he explained, the mid-term examination covered material presented during the first half of the term, and the final examination covered material presented during the second half of the term. The students were not expected to use the mid-terms as study guides for the final, as they could not possibly find them helpful.

C. Administrators Acted Improperly in Regard to this Petition.

The Student alleges improper conduct on the part of administrators, and specifically asked that Vice Dean Professor John Scherk not be involved in reviewing her petition.

The Student also makes several allegations, which she does not assert as grounds for this appeal, but rather lists "chain reaction" resulting from her mark in SOCC11H3, *Policing and Security*. She notes her frustration with the fact that the Chair was away from campus when she went to see him, and that she had to wait until he returned. She points out that the originally posted

grade of 57% triggered an academic suspension. She asserts that she was forced to spend time and money solving these problems, and was forced to attend a meeting with the Chair. She alleges improper involvement by Vice Dean Professor John Scherk, complaining that he contacted her professors and informed them that she was restricted from registering for courses, an action she asserts violated her privacy.

The Department asserts that it has acted in good faith throughout this process. The administrative processes set in motion by the Student's petitions have all been addressed, and while they are not instantaneous, they are completed in a timely and orderly manner.

VI. Reasons for Decision

A. The Student's Course Work was Under-Evaluated

The Division asks for specific, detailed support for how a given answer was under-evaluated before it will grant a re-read, and the Student has offered none. Her assertion that her work was "in accordance" with the Professor's teaching materials is contradicted by the Professor's comments on her written work, and his testimony. In any event, the vague justification for a re-read does not meet the Division's standards as set forth in its policy. In order to be granted a re-read a student must provide clear grounds for reconsideration, addressing the substance of an answer. The Student has not done so, and the petition for a re-read was correctly denied.

B. Written Marks on the Student's Term Essay and Mid-Term Exam Were Unclear and Contradictory

The Student's frustration with having cursory remarks on her course work, and being able to see earlier marks that were higher than the mark finally assigned, is understandable. Her mistrust of her Professor due to those grade adjustments, however, does not seem justified. It would almost certainly be a better practice for an instructor to carefully erase any early evaluative markings before returning work to students. However, the Student's conclusion that this constitutes proof that her Professor was routinely under-evaluating her work is not supported by the evidence. In her letter of September 18th, 2009, the Student wrote "Since there is 100% proof that I earned a C+ on my essay and a C- was recorded I cannot trust that the same has not happened with my mid-term and final exams." The Professor convincingly explained that the grade the Student earned on her mid-term essay was a 60, not a C+. His practice of leaving traces of preliminary estimation of essays' grades does not serve as an indication that his final assessment is incorrect.

The Student's arguments that the markings on her mid-term exam were confusing, is not supported by the mid-term exam and its marginalia. The Professor's testimony about his grading process was clear and well supported by the written remarks on the essay and the exam. In both cases, this Committee cannot agree that what happened justifies a petition for a re-read of the Student's term work. It is unfortunate that earlier marks were still visible to the student, but this does not support her conclusion that her marks were changed due to prejudice against her, or provide the academic argument defending her answers that is required to justify a re-read under UTSC's policies.

C. Administrators Acted Improperly in Regard to this Petition.

The Student has a deeply held view that administrators at UTSC are against her. This is not supported by any evidence. UTSC is a large division, with more than 10,000 students and over 300 faculty members. It is understandable that it can take some time before it can act on individual requests and petitions. While this Committee is sympathetic to the Student's frustration, it sees no evidence that she has been singled out or unfairly treated. The communications between the administrators and the Student seem professional and even-handed. Her desire to have some administrators omitted from consideration of her petitions is not supported by any evidence of antipathy or prejudice against her. When information has been shared by administrators regarding the Student's status, it has been shared only with other individuals within UTSC in the due course of administrative business.

The Committee was struck by the Student's letter of September 18, 2009. In the excerpt quoted above, recall, she writes: "I cannot say if someone is influencing my grads [sic] or the professor has an explanation for this but the bottom line is that he did something showing prejudice." This Student seems plagued by suspicions that the administrators are influencing faculty members to sabotage her academic performance. This Committee finds no evidence supporting this mindset. It is concerned by the Student's troubled outlook on her program, which seems to be impeding her ability to be as productive as she could be, prompting her to expend significant amounts of time and energy pursuing numerous petitions and appeals.

This Committee has considered the Student's numerous arguments. While the Committee respects the Student's right to form her own opinions about her program administration, none of the issues she raises serve as appropriate evidence to support her request for a re-read of her course work in SOCC11H3, *Policing and Security*. UTSC's clearly explained policy, to which the Student has been repeatedly referred, is to require students to justify a request for a re-read with specific, detailed, academic arguments supporting the substantive merit of their written work.

VII. Conclusion

The Student's petition for a re-read is not supported by specific, academic arguments about the substance of her examination and essay. For all of these reasons it is the unanimous decision of the panel that the Student's appeal and request for re-read of term work in SOCC11H3, *Policing and Security* is denied.