

**THE UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL**

Report #371 of the Academic Appeals Committee (Chair Only)
March 27, 2014

To the Academic Board
University of Toronto

This appeal was conducted on the basis of written submissions in order to determine jurisdiction as per Section 3.1.7 of the Academic Appeals Committee Terms of Reference. The parties did not attend.

Chair

Professor Hamish Stewart

Student

Mr. C [REDACTED] D [REDACTED]

Division

School of Graduate Studies

Preliminary Issue

The Student enrolled in the Faculty of Arts and Science (the Faculty) in 2011. During the Summer 2013 term, he participated in the 2013 Summer Abroad France program. Students in this program receive a University of Toronto undergraduate credit (not a transfer credit). The Student took a French language course at the Institut d'études françaises de Touraine in Tours, equivalent to the Arts and Science course FSL421Y0, "French Language IV". His instructor in Tours assigned him a mark of 14.49/20. This mark was multiplied by 5 to convert it to a mark out of 100, and accordingly, the Student's grade for FSL421Y0 appears on his University of Toronto transcript as 72 (B).

The Student was dissatisfied with the conversion of his grade. In August 2013, he corresponded with Jennifer Danahy (program coordinator of the Summer Abroad France program), Professor Paray-Clarke of the French Department (academic co-ordinator in Tours), Professor Danièle Issa-Sayegh of the French Department (Associate Chair, Undergraduate Studies), and Ms Delphine Vincent-Göske (his instructor in Tours). Professor Paray-Clarke and Ms Danahy both pointed him to the following passage on p. 39 of the "When in Tours ...!" handbook, which was provided to the Student before his departure to France and which described the formula used by the Department to convert Institut grades to U of T grades (the "conversion formula"):

Institut grades will be multiplied by five to make them consistent with the U of T grading scale. ... The conversion of the final grade takes place at U of T, and it is the only adjustment that occurs.

Ms Danahy advised him that no further adjustment could be made unless Ms Vincent-Göske in Tours was willing to change the grade originally assigned. Ms Vincent-Göske advised him that it was not possible to change the marking of his tests because it corresponded to the French scale. She suggested that the Student speak to Mr Jean-Jacques Bolo, director of the Institut. It appears that the Student did not pursue this possibility.

The Student next petitioned the Dean of the Faculty. In his petition, the Student argued that the conversion formula did not adequately reflect the difference between French and U of T grading standards; moreover, he argued that the conversion formula was inconsistent with the agreement that he and other students had consented to by participating in the program, and in particular that it violated the grading policy announced in the course description on the France Abroad website (for the current version, see https://summerabroad.utoronto.ca/images/uploads/French_Language_Course_Information.pdf) (the “course description”):

Grade Conversion:

Please note that the Institut de Touraine employs a different grading scale than the University of Toronto. **In order to be consistent with the University of Toronto’s scale, grades for French language courses will be adjusted.** The grade conversion scale is available from the Professional & International Programs Office; submission of an application form is consent for implementation of the scale.

Some non-UofT students may receive the unadjusted Institut grade; some students may receive no grade at their home institution but instead will obtain transfer credits for the course(s) they completed. Remember: you will be obtaining a UofT credit and grade so your marks will be adjusted to be consistent with UofT’s grading system. Institut instructors are not given detailed information on the grade conversion scale so as to avoid alteration of marks. The conversion of the final grade takes place at UofT, and is the only adjustment that occurs.

On 22 November 2013, Associate Dean Anne-Marie Brousseau wrote to the Student, dismissing his petition. She stated that the Student had agreed to the conversion formula. She rejected his contention that there was any inconsistency between the conversion formula and the course description: “we do not subscribe to your contention that the information regarding mark conversion was not specific enough or was subject to interpretation”. She also stated that although the grading scale at French universities is generally lower than the grading scale in Canada, “this discrepancy does not apply to language courses in Tours, which are aimed at international students and taught by instructors who are aware of this fact.” She advised the Student that “for the last three academic years, the marks for the FSL421Y0 (Tours) have been consistent higher than for the FSL421Y1 (St. George).”

The Student now seeks to appeal to the Academic Appeals Committee of Governing Council (AAC) and asks for “change or removal of the numerical grade received in France as it appears on my UofT transcript, or a transfer credit to reflect the differences between the French and Canadian grading systems” (Student’s submissions, p. 3). The Faculty submits that the AAC lacks jurisdiction over the appeal

because it concerns the merits of a grade rather than the fairness of the application of an academic regulation or requirement.

The AAC's jurisdiction over "grade appeals" is defined as follows:

Request by the Student to appeal the final grade for a course, if the Student believes that the grade received in that course is not a proper assessment of his or her cumulative coursework. ... the Academic Appeals Committee cannot assess academic work and assign a grade. They can only determine if a policy was applied fairly and consistently.

The Student's central complaint in this case is that the conversion formula does not adequately reflect the difference between French and U of T grading scales. The Faculty says that it does. This is in essence a disagreement about the wisdom of the procedure, not about the fairness of its application to the Student. On p. 4 of his submissions, the Student makes precisely this point: "I deemed the policy itself is 'unfair.'" But the AAC has no jurisdiction over the fairness of the policy. The AAC cannot change the Student's grade or otherwise modify his transcript on the basis that the procedure for converting Institut grades to U of T grades is unfair or unwise.

The Student relies on two Reports of the AAC to show that it has jurisdiction over his appeal. But both cases are quite different from his; both raise issues of the fairness of the process of arriving at a grade, not the fairness of the grading policies of the division in question or the academic merits of the student's work. In Report 291, the AAC considered the case of a student from the Faculty of Law who had received a D in a course. She alleged that the instructor had treated her unfairly during the process of choosing and drafting her final paper for the course; she did not allege that the mark itself was too low given the quality of her work, nor did she seek a higher mark from the AAC. She sought, and was granted, Aegrotat standing in the course. In Report 321, a student in the Faculty of Architecture alleged bias by an instructor; he did not allege that the Faculty of Architecture's grading policies were flawed. The Student has not alleged any unfairness or bias in Ms Vincent-Göske's evaluation of his work; to the contrary, he relies on her evaluation to show that he should receive a higher mark.

However, the Student has another complaint. He argues that the conversion formula is not what he, and other students in the Summer Abroad program, agreed to. If the Student alleged that he had been told he would be evaluated on one basis but was in fact evaluated on a different basis, or that the conversion formula had been concealed, then there would be a question of the fair and consistent application of University policy and the AAC would have jurisdiction. But I do not read the Student's complaint that way. On p. 2 of his petition to the Faculty, under point (b), the Student refers to the conversion formula and argues that it is inconsistent with the grading policy announced in the course description. His argument is about the meaning of the course description: that the statement in the course description that grades will be "adjusted to be consistent with UofT grading system" does not mean that the conversion formula will be applied, but that Institut grades will be adjusted to reflect U of T standards. But the course description explains how the adjustment will be made: it incorporates the conversion formula by reference and states explicitly that no further adjustment will be made. The Student contests this reading of the course description on the ground that it implies that "the French and Canadian systems are in fact the same", when they are not; therefore, he says, the conversion formula is inconsistent with the course description. But that is just another way of saying that the conversion formula does not adequately reflect the difference between French and U of T grading scales. The Student's claim that "the Summer Abroad

Department did not adhere to the ‘academic agreement’ to which all student participants consented” is merely a repackaging of his central complaint that the conversion formula is a bad policy.

Finally, the Student also complains about the quality of the reasons given by the Associate Dean in dismissing his appeal. He states that she did not address certain arguments that he made in his petition and that her response to one of them merely copied Ms Danahy’s earlier response “without any further elaboration”. Given my finding that AAC lacks jurisdiction over the Student’s appeal, it is not strictly necessary to comment on the quality of the Associate Dean’s reasons. However, I would like to add the following observations. It is well-established that when divisions of the university make decisions affecting the important interest of students, they should provide reasons that “at least reveal the core of the reasoning behind the decision” (Report 350 of the AAC, p. 3). The Associate Dean’s reasons amply satisfy this requirement. All five of the Student’s arguments are different ways of making his basic claim that the conversion formula does not adequately reflect the difference between the grading standards at the Institut and the grading standards at U of T and that therefore the conversion formula is inconsistent with the course description. The Associate Dean’s response addresses these points both procedurally and substantively. Moreover, she was entitled to rely on Ms Danahy’s earlier response; Ms Danahy’s explanation was clear and accurately reflected the Faculty’s position.