

**THE UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL**

Report #358 of the Academic Appeals Committee
July 26, 2011

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Friday, June 24, 2011, at which the following members were present:

Professor Edward Morgan, Chair
Professor Andrea Sass-Kortsak
Ms. Natalie Melton

Secretary: Christopher Lang, Director, Appeals, Discipline and Faculty
Grievances

Appearances:

For the Student Appellant:

Ms. F G , ("the Student")

For the University of Toronto:

Dr. Brian Corman, Dean, School of Graduate Studies
Dr. Jeanne Watson, Associate Dean, Chair of Adult Education and Counselling
Psychology Program
Ms. Sari Springer, Counsel for the School of Graduate Studies

I. Appeal

Ms. F G appeals to this Committee from the decision of the Graduate Academic Appeals Board ("GAAB") dated November 25, 2009, with respect to her grade in one course: AEC1131 – Corporate Ethics in the Global Economy: The Caring and Serving Dimensions of Enterprise. This is an OISE/UT course offered by the Department of Adult Education and Counseling Psychology (the "Department"). Ms. G began her studies in that department in the fall of 2005 and received her M.Ed in June 2007.

II. Preliminary Issue

At the outset of the hearing the Chair mentioned to the parties that he was also an alternate Chair for the GAAB, but that he was appointed after the GAAB's decision was released in this case. Neither party raised an objection so the hearing proceeded.

III. Facts

The course in issue was taught by Professor Laurent Leduc. The evaluation was composed of three components, namely class participation (40%), weekly reflection papers (30%), and project presentation and final paper (30%). Ms. G received an A (80%) for participation, a B+ (76%) for her weekly reflection papers, and a B+ (77%) for her final paper, for an overall course grade of B+. As an aside, the panel notes that participation portion of the grade appears to have contained a clerical error, since an 80% numerical grade would translate into an A- rather than an A under the applicable grading guidelines. However, this did not impact the final grade, which averaged out to a B+.

In any case, Ms. G was not satisfied with the grade on her final paper, and several months later spoke with Ms. Nancy Jackson, the Department's program coordinator, about it. Ms. Jackson recommended changing the final grade from a B+ to an A-, and submitted a grade revision form to the registrar reflecting this changed grade.

Ms. Jackson had no authority to unilaterally change a student's final grade. That can only be done with the agreement of the course instructor. Professor Leduc never agreed to the change recommended by Ms. Jackson; indeed, Professor Leduc re-read the paper at Ms. Jackson's behest and confirmed that the grade of B+ (77%) should remain in place. At the same time, he provided extensive comments to Ms. G about the paper.

Ms. G then appealed her grade to the Department's academic appeals committee. That committee had the paper re-read by another faculty member in the Department, who confirmed the B+ grade that Professor Leduc had assigned it. Ms. G's appeal was therefore dismissed. She further appealed to the GAAB, which heard the appeal in the fall of 2009. GAAB was of the view that since the original course instructor and a second reader had determined that the final paper merited no more than a B+, there were no grounds on which the grade could be raised. However, it also considered that the Department had made a procedural error when Ms. Jackson, the Department's own project coordinator, took it on herself to unilaterally change the grade, and that Ms. G had as a consequence been treated incorrectly. The GAAB's solution was to change the grade from a B+ to a CR on Ms. G's final transcript. The CR designation is a neutral one, and does not effect the student's overall average one way or another.

IV. Decision

This Committee is in agreement with the GAAB. Ms. Jackson acted outside the scope of her authority and caused substantial confusion in Ms. G's mind with respect to her grade. This improper procedure has increased the burden on Ms. G and is the cause of these protracted appeal proceedings.

That said, Ms. G's paper has been re-read twice, once by the course instructor and once by another faculty member, and has been found to merit a B+. In light of these evaluations by faculty members who are expert in the field in which the paper was written, this Committee cannot raise Ms. G's final grade above the B+ that she initially received. In fact, this Committee could not do so even if it were so inclined, as it does not have the expertise or the authority to re-grade the paper on its own.

As an aside, the Committee notes that at the hearing Ms. G presented a litany of complaints about OISE/UT and the Department. These primarily had to do with errors that she says were made in the admissions process, whereby she was admitted to the wrong program. Her complaints also included some vague allegations of discrimination against her. None of those complaints present a valid ground of appeal. The Committee has no mandate to consider any errors in the admissions process, and none of the allegations of discrimination have been substantiated or in any way supported in evidence by Ms. G.

The Committee does, however, have considerable sympathy for the fact that Ms. G was misled by the improper procedures followed by Ms. Jackson. It therefore affirms the decision of the GAAB to convert the final course grade as it appears on Ms. G's transcript from B+ to CR. Ms. G indicated during the hearing that she thought that there are negative optics in a CR designation, and that anyone reading her transcript would perceive that to indicate a near failure. In that, however, she seems to be mistaken. The point of a CR is to simply designate that the course has been passed, without any further comment about the student's performance in the course. If Ms. G's overall average is higher than B+, the CR designation will help her in that it will not reduce her average in any way. The Committee is of the view that a CR is therefore the most appropriate way to remedy the procedural error made by the Department at the early stages of the appeal process.

Ms. G's transcript should be amended to substitute the grade of CR in place of B+ for AEC1131 – Corporate Ethics in the Global Economy: The Caring and Serving Dimensions of Enterprise.

**THE UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL**

Report #356 of the Academic Appeals Committee
July 26, 2011

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Friday, June 24, 2011, at which the following members were present:

Professor Markus Dubber, Chair
Professor Elizabeth Smyth
Mr. James Park

Secretary: Christopher Lang, Director, Appeals, Discipline and Faculty
Grievances

Appearances:

For the Student Appellant:

Ms. R . J . , ("the Student")

For the University of Toronto:

Ms. Cheryl Shook, Registrar, Woodsworth College, University of Toronto
Professor Anne-Marie Brousseau, Associate Dean, Undergraduate Academic Programs,
Faculty of Arts & Science, University of Toronto

I. Appeal

The Student appeals a decision of the Faculty of Arts & Science Appeals Committee, dated October 18, 2010, denying her appeal from a decision by the Principal of Woodsworth College of September 28, 2009, which in turn had confirmed the decision by the Academic Bridging Special Considerations Committee at Woodsworth College of June 30, 2009, not to allow her to rewrite the final examination in ENG185Y1– Introduction to the Study of Literature (June 9, 2009).

The Student seeks the remedy of being permitted to rewrite sections B and C of the exam.

II. Facts

The Student was enrolled in the Woodsworth College Academic Bridging Program. The exam in question was the final examination in the Bridging Program course ENG185Y1. The exam consisted of three parts (A, B, C); the Student completed only part A, worth one-third of the final mark of the exam, receiving a mark of 16 out of 33, or 48%. The Student's rewrite request, at various stages, has been based on four grounds: (1) the exam tested materials not covered in the class, (2) the "unregulated environment" of the exam, including loud noises and the "unmannerly" conduct of other students, (3) unspecified security reasons, and (4) her status as an overachiever.

At the hearing before your Committee, the Student primarily addressed her second argument. In support, the Student has produced three University of Toronto Medical Certificates, dated October 22, 2009 (#1), November 2, 2009 (#2), and October 4, 2010 (#3), respectively. None of these certificates was available to the persons and committees who considered the case previously, including most recently the Faculty of Arts & Science Academic Appeals Board; the third and final medical certificate was entered into the record at the oral hearing before the Academic Appeal Committee.

III. Decision

This case was considered with great care by the Academic Bridging Program at Woodsworth College, the Principal of Woodsworth College, and eventually the Faculty of Arts & Science Academic Appeals Board. We see no reason to disturb the findings and conclusions reached by those who already have so ably and sympathetically weighed the merits of this matter. Woodsworth College attempted to address the Student's concerns on the day of the exam, and suggested that she petition for a deferral of the exam in the event she found their efforts unsatisfactory at the time. No other student among the 150 or so taking the exam on that day lodged a complaint about exam conditions. A subsequent investigation into the circumstances surrounding the exam did not produce evidence of inappropriately disruptive conditions.

The medical certificates, all submitted since the decision of the Faculty of Arts & Science Academic Appeals Board, do not affect our decision. As the Student herself repeatedly emphasized during the oral hearing, they do not indicate a medical condition of sufficient severity that was either present at the beginning of the exam or developed during the exam that would have warranted a deferral on medical grounds. They document diagnoses of headaches in 2004, 2005, 2006, 2007 (#1), in 2005 (#2), and in 2004 (#3), respectively, significantly before the exam in question.

The Academic Bridging Program is designed to prepare students to function within the regular curriculum in the Faculty of Arts & Science. The Student has been offered the option of taking an additional course in the Academic Bridging Program to qualify for admission in the Faculty of Arts & Science. While students in the Academic Bridging Program are not permitted to retake a course, the Registrar of Woodsworth College suggested that the Student instead enroll in another course, which would allow her to

explore her interest in literature. Her performance in that course, then, would allow her to demonstrate the requisite academic maturity and skills to join FAS programs.

While we dismiss the Student's appeal, we are extremely sympathetic to her case and strongly encourage her to avail herself of the support offered by the excellent academic support staff of the Academic Bridging Program at Woodsworth College. In this way, she will have an opportunity to continue on her journey to maximizing and fulfilling her potential.

**THE UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

**Report #360 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 Tuesday, 21 June 2011, at 11:00 a.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
Mr. Robert Hares, Law Student, Appeals, Discipline and Faculty Grievances

Appearances:

For the Student-Appellant:

The Student

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

Vice Dean Professor John Scherk;
Professor for POLC54H3 (hereinafter "the Professor"), Assistant Professor in Political Science, UTSC, via audio-video internet connection;
Ms. Sari Springer, Cassels Brock (Counsel for UTSC).

I. The Appeal

The Student is appealing the decision of the Divisional Appeals Board, announced in a letter dated September 28, 2009, which denied her petition for a re-read of her term work and final examination in POLC54H3, *Intergovernmental Relations in Canada*. This letter informed the Student that "the committee felt that there were insufficient circumstances and details to warrant a re-read of your final examination" and that issue with course work "are matters to be worked out between the instructor and the student, unless there are particular extenuating circumstances" [page 4/54].

The Student was appealing the original denial of her petition for a re-read of her final examination and course work in POLC54H3, which was denied by the Subcommittee on Standing in a message posted on April 2, 2009.

II. The Facts

It is fair to say that the procedural history of this petition and appeal has been somewhat confused and protracted. One reason for that may be that there were a number of petitions regarding different courses filed by the Student during this period. The petition for a re-read of her course work and final examination in POLC54H3, the subject of this appeal, was made, withdrawn, and re-asserted more than once.

The Student took the course POLC54H3, *Intergovernmental Relations in Canada*, during the Fall of 2008. At that time her academic standing was precarious. The Student had been placed on academic probation during the 2008 Winter Session, and during the 2008 Summer Session her status was “academic probation continues.” The Student received a grade in of 66, or C.

The following events happened around March of 2009. There is some confusion regarding timing (for example, neither the Professor nor Vice Dean Professor Scherk recall the exact date of their discussion of the Student’s petition for a re-read), but given the context of the multiple appeals and withdrawals of this petition, some uncertainty may have been unavoidable.

Upon receiving her course mark, the Student requested a copy of her final examination, and in early March she went to the Academic Advising and Career Centre. The Advisor at the Centre used the marks the Student reported to him or her, and calculated a final mark. Working with this Advisor, the student calculated her final grade in POLC54H3 to be a 67 rather than the 66 that had been recorded.

The Student approached the Professor who taught POLC54H3, and told her she had discovered a calculation error. Either during this meeting or through subsequent communications, the Professor advised the Student to request a clerical check, since the Student reported that she had detected a mathematical error. The Professor was sympathetic to the Student, and willing to correct any mistakes that had been made.

There are two e-mails from the Professor in evidence. The first, dated March 5, 2009 reads, “I agree to review your course grade based on revisiting the course items that you are contesting.” It is unclear from the text of this e-mail whether the Professor was referring to the mathematical check, or a substantive re-evaluation of the Student’s written submissions. However a week later she wrote an e-mail which seems to indicate that she was assuming a clerical check would be made of the mathematics of the grade calculation. The second e-mail, dated March 12, 2009, reads, “the registrar’s office still assumes that you are intending to pursue a re-read of your examination and essay from C54. You should probably speak with them.” In this e-mail it appears that the Professor now believed the Student had dropped her pursuit of a re-read and was simply requesting a clerical check.

It was around this time that the numerous administrative requests regarding POLC54H3 were filed:

- The Student had first petitioned for re-read of her final examination and term work on October 24, 2008—while course was still in progress and the final examination had not yet been administered.
- She filed her second petition on March 5, 2009. This petition requested a grade change, based on new calculations of Academic Advising and Career Centre.
- Based on the Professor's advice, the Student then cancelled the petition for a re-read and requested a clerical check instead.
- On March 9, 2009 and again on March 11, 2009 the Student filed new petitions. These subsequent filings appear to have been used to give updates and to add more information regarding the earlier filings.
- On March 12, 2009 the Student cancelled all of her petitions. She reiterated the cancellation via a letter dated March 18, 2009.
- Finally, on March 19, 2009 the student filed the petition that is the subject of this appeal, in which she asked for a re-read of her term work and final examination.

Around this time, and certainly after March 12, 2009 Vice Dean Professor Scherk had a brief meeting with the Professor during which they discussed the Student's petition for a re-read.

At some point the Professor sat down with the Student and went over the handwritten calculations performed by the Academic Advisor. The Professor detected a difference in the way the marks had been calculated—the Academic Advisor had applied a different rounding methodology than she had—and determined that the marks had been correctly calculated originally, and that no grade change was warranted.

The Student then returned to her original objective of requesting a substantive re-reading of her course work and final examination. During some of her informal interactions with the Student, the Professor orally agreed, and wrote in the March 12, 2009 e-mail quoted above, that she was willing to review the Student's work (we will address this later).

III. The Student's Grounds for Appeal

The Student asserts four major grounds for her appeal:

1. The Professor agreed to re-read the written submissions;
2. There was a calculation error in the Student's grade for this course;
3. A grade change in this course would have significant consequences; and,
4. Administrators have been inappropriately involved in this process.

The student refers to several other grievances that are unrelated to POLC54H3 in her submissions, but the primary arguments for the appeal are listed above. We will address each of these below, listing first the Student's arguments, and then the Division's response.

A. The Professor Agreed to Review the Grade

1. The Student alleges that the Professor agreed to re-read her final exam and course work in POLC54H3. The Student asserts that this agreement should override the Division's written policies, and should be sufficient grounds for granting a re-read.

The Student reports that a similar override of divisional policy was applied in a different course for which she made a request for a re-read. She explains that in PHLB07H3 a substantive re-read was granted on the sole grounds that the faculty member had agreed to perform the re-read, "Mrs. Victoria Burke who is professor of the course PHLB07H3 agreed in person to me that she is agreeing to do the re-read and based on that information alone the petitions committee granted the re-read." She now argues that for the sake of consistency a re-read should be allowed in this course, too.

The Student acknowledges that the Professor's agreement was not unqualified, reporting that the Professor's first impression was that the Student should request a clerical check (rather than a re-read), since the Student, at that time, was alleging a mathematical error in the calculation of her mark.

2. The Division disputes the Student's allegations that the Professor agreed to perform a re-evaluation of the Student's course work and final examination in POLC54H3, *Intergovernmental Relations in Canada*. While the Professor was willing to revisit the Student's grade, it was always her underlying assumption that any review would be conducted with the knowledge and consent of the Division. The Professor testified that it was her implicit understanding that any action she took regarding the Student's mark would be in compliance with Divisional policies. She believes she was clear about this in her meetings with the Student, and emphatically rejects the notion that it was ever her intention to violate Divisional policies.

On March 12, 2009, the Professor wrote an e-mail to the administration that states her understanding of what was going on in this petition: "This has clearly become a confused scenario that I am not sure or how this is to be resolved but I certainly welcome the meeting with John Scherk or any further contact with you." Later in the e-mail she explains "I repeatedly informed Ms. O that I could not review her course work nor change her grade without formal documentation and initiation from your office. I replied to an email of hers indicating that I would review her course work. . . I was under the impression that I would be reviewing it only after she had approval from your office."

UTSC stands by the Divisional Appeals Board's finding that the Student's petition for a re-read did not submit sufficient circumstances and details to warrant a re-read of the final examination. It cites UTSC's Academic Calendar, to which the student was repeatedly referred. The section on Petitions explains that petitions for re-reads "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” [and] “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.” The Division asserts that the Student has not made a substantive argument, based on the content of the written submissions themselves, that her work should be re-evaluated by the Professor.

B. There Was a Calculation Error in the Student’s Grade for this Course

1. The Student reports that on March 5, 2009, after she had requested and received her final exam, she went to UTSC’s Academic Advising and Career Centre and received their assistance in calculating her final grade. She submitted the Advisor’s handwritten calculations to this Committee. The calculations indicate that her final grade should have been a 67%, rather than the 66% that was reported. The Student asserts that the difference in the two marks was small, but significant, as a 67% would have sufficiently raised her average to remove her from academic probation.

2. The Professor testified that she reviewed the handwritten calculations with the Student during a meeting. She also reviewed them again during the hearing. She confirmed that all of the marks the Student reported to the Academic Advising and Career Centre were accurate. She explained the variance in outcome by pointing out that the Academic Advisor had rounded each grade up or down individually, before calculating the final sum. The Professor testified that in calculating all of the students’ marks in this course, she calculated the final sum, and then rounded the total number up or down. In this case, because the Advisor rounded two addends up individually, rather than calculating the sum and then rounding them up, he or she had a slightly higher end result.

Vice Dean Professor Scherk testified that while the Division has no policy regarding the methodology by which faculty calculate their marks, it does insist that all the students in a class be treated consistently. In other words, he explained, the Professor was free to round up addends individually, and then total them; or total them, and then round up the result. She is not however free to choose a different methodology for a single student, because it happened to inflate her grade. The Professor testified that it had never been her intention to do so.

C. A Grade Change in this Course Would Have Significant Consequences

1. The Student expresses great urgency for the need for a grade change, on the grounds that there would be significant consequences if the grade were changed. She feels there are disproportionate consequences of the Division’s denial of her petition, because the slight inflation of this grade might result in her being removed from academic probation. She submitted several lists of the repercussions of her being on academic probation, or being suspended, including several funding cancellation and reduction notices. She repeatedly stresses the small variance between the two outcomes. “A .29 mark is very little and minor for me not to have this re-read and I will submit below the stand still ripple effect of a suspension on my finishing my program and completing my degree or transferring into another program or campus.”

2. The Division refers again to its policy on granting re-reads. Any student requesting a re-read of written submissions must make a case that the work submitted was incorrectly valued by the grader. The sensitivity of a student's academic standing is not listed as a reason for granting re-evaluation of submitted work.

The Division asserts that it made a good faith effort to keep the Student apprised of all relevant deadlines and committee meetings. It submits a list of the filings and cancellations submitted by the Student, any many messages posted by the Registrar's office informing the Student of the status of her various filings.

D. Administrators Have Been Inappropriately Involved in This Process.

1. The Student is very concerned with the role that Vice Dean Professor Scherk has played in this process. The Student believes that the Professor acted under the specific directions of Vice Dean Professor Scherk, alleging that Vice Dean Professor Scherk contacted the Professor and told her she cannot change the Student's grade. She also alleges deliberate delay in her case.

The Student reports that at one point in this process, the Professor told her that Vice Dean Professor Scherk had informed her (the Professor) that the petitions committee had already met and denied the Student's petition. The Student continues, "this information was false because I had not submitted my documentation as yet as of that date and the committee did not meet as yet regarding my re-read. The committee did not meet until March 31, 2009 and they denied my petition on April 2, 2009" [page 24/54]. The Student concludes that this demonstrates Vice Dean Professor Scherk's "pre-mediated prejudice" against her [page 25/54]. The Student submits that there was a meeting on March 19, 2009 to "discuss my re-read even though the re-read was cancelled."

The Student has little trust in the procedures in place at UTSC, complaining that she saw a secretary opening a letter addressed to the Committee on Academic Appeals, and pointing out that the letter had "private and confidential" written on the outside of the envelope. She specifically requests that various personnel, including Vice Dean Professor Scherk, not be involved in the decision-making process of her petition for a re-read. She also believes that the fairness of the processing of her petition was undermined when an administrator forwarded an e-mail that was intended for the administrator to her professor. She complains that at one point she went to her professor's office for a meeting she had scheduled, and that the professor locked her office door as if she was not there. The Student continues, "I decided to knock and she opened the door not knowing that it was I who was on the other end" [page 29/54]. The Student also alleges that a teaching assistant spoke to her without making eye contact and used a harsh tone of voice when asking her to complete a form, and that this treatment was different from the way the teaching assistant spoke to other students in the classroom.

The Student is also extremely frustrated with the length of time that this appeal has taken, arguing that the Division has a responsibility to have its Appeals Board meet over the summer months, and stressing the anxiety the delay from June to September has caused her. In a section of her submissions titled, "Repercussions of a "Winter" Term Suspension, the Student lists eight

consequences of her possible suspension. This section includes notices from the Ontario Ministry of Training, Colleges and Universities, Student Support Branch and the Ontario Universities Application Centre, and several applications for awards and prizes with deadlines in May of 2009 [pages 30-31/54]. The Student suspects that she was deliberately misinformed about various committee meeting dates and deadlines. She concludes, "It would appear that I am being treated differently, and I don't know why."

Finally, the Student refers to a number of other grievances she has against the Division, including a problem she had with Vice Dean Professor Scherk early in her career at UTSC, and a sexual assault complaint she has filed against another student. She gives no details about these earlier issues.

2. The Division asserts that it has maintained neutrality towards the Student, and that its policies have been applied consistently and fairly. The Division submitted numerous e-mails and messages sent to the Student by administrators and faculty members.

Both Vice Dean Professor Scherk and the Professor recall their discussion of the Student's petition. Vice Dean Professor Scherk testified that he reminded the Professor that while she, the Professor, had the freedom to allocate weight to assignments however she chose, and to calculate marks under what ever rules she chose, it was imperative that every students' grade be calculated the same way. The Professor testified that Vice Dean Scherk spoke to her exclusively about the importance of calculating grades consistently across all the students, and did not give any direction on any specific students or their marks.

IV. Reasons for Decision

This Committee has considered each of the Student's arguments. We have unanimously concluded that the Appeals Board of UTSC was justified in denying her request for a re-read. The Student's appeal to the Governing Council is denied. Following are our reasons for the denial.

A. The Professor Agreed to Review the Grade

When the Student went directly to a faculty member to ask for a change of her mark, she was not complying with the Division's policies, which require an administrative body to allow or disallow such requests. As it happens, this faculty member, the Professor, was relatively well-versed in UTSC policies, and was able to direct the Student to what seemed to be the appropriate administrative process. Based on the policies as written in UTSC's Academic Calendar and explained in writing to the student, this Committee is convinced that the Professor gave the Student appropriate advice regarding a clerical check, since the Student's original theory was that her grade had been calculated incorrectly.

Once it was determined that there had not been a mathematical error in the Student's grade calculation, again, it was outside Divisional policy for the Student to ask the faculty member to review her written submissions. The Professor has testified that in fact she never intended to violate Divisional policies.

The Student seems to have been genuinely confused about the significance of the Professor's apparent willingness to re-evaluate her written submissions. However the fact that the Professor did not expressly spell out her intention to comply with Divisional policies in the e-mail she wrote on March 5, 2009 does not negate her reasonable assumption that any interaction she had with the Student would be transparent and above board. The fact that she repeatedly referred the Student to Divisional policies and encouraged her to communicate with the registrar's office is further indication of her intentions to follow the rules established in the Academic Calendar.

Whether the Professor orally agreed to do something that was against Divisional policy is immaterial. Even if she had, it would have been in violation of Divisional policies for her to do so, and she would have been justified in rescinding any such offer. It is clear that the Professor never agreed that she would do anything in violation of Divisional policies.

The Student makes no substantive arguments about the academic quality of her written submissions. In the only statements she makes about the work she did in POLC54H3, she argues, "In the final exam, my mark is a 14.5 or 15 out of 20 on the essay portion and I will state that if 14.5 were recorded, my answer was worth 15 or 16. I have entered into the answer date and time/or event, definitions, significance, and examples." This comment is conclusory and sheds no light on the quality of the answers she gave in her term work and final examination, and it does not constitute the "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 miscalculation" that the Division's policies require.

The Student's belief that a re-read in another course was granted on the sole basis of an instructor's willingness to do so is not supported by any evidence. In fact, an e-mail submitted by the Student supports the opposite conclusion. In an e-mail sent from the administration to the Chair of the Department of Social Sciences on September 18, 2008, an administrator discussed another petition. It informs the Chair that the petition and examination are attached, and reads, "it appears that she has made a prima facie case for rereading. Please note that this does not imply validity of her case but simply that she has made one. Therefore I would be grateful if you would arrange for the instructor to reread the exam and if you would inform me of the result when it has taken place. If the rereading does not result in an increase in grade, I would be grateful if you would provide some comments which can be passed on to the student. The need of the student for higher marks to avoid or improve some academic consequences is, of course, irrelevant. The re-reading should be in the context of the way the entire class was graded and should address the entire examination." This e-mail was in reference to a different class than the one the Student invokes as an example of a petition for a re-read being granted solely due to the agreement of the instructor, but it indicates that the Division follows its policies carefully [page 5 of 11 page fax of February 4, 2010].

B. There Was a Calculation Error in the Student's Grade for this Course

It seems clear that the Professor never intended to calculate the Student's grades in a manner inconsistent with the other students' grade calculations. She was led to believe that there had been a calculation error in the Student's mark, and when the instructor reviewed her own

calculations and saw the calculations performed by the Academic Advising and Career Centre, she clearly explained that the outcomes were slightly different because the Advising Centre had used different rounding methodology than the Professor had used. Specifically, the Professor assigns each separate assignment a mark, calculates the weighted amount towards the final grade, tallies a sum, and then rounds the result up or down. At the Academic Advising and Career Centre, whoever calculated the Student's mark rounded each mark individually before totalling the term mark. Predictably, this led to a slight variance in the final number. The Professor testified that she explained this to the Student as soon as she detected the reason for the variance. She offered another brief explanation of the mathematical significance of rounding methods at the hearing. The Student did not respond to this explanation.

There was no error in the calculation of the Student's mark. Rather, the person at the Academic Advising and Career Centre seems to have been unaware of the rounding methodology used by the Professor. Perhaps he or she was unaware that the rounding methodology used to calculate a mark can affect the resulting average. If the advisor gave the Student the impression that he or she had found an error when in fact the different results are explainable by different rounding methods, then the advisor, unfortunately, gave the student incorrect information. However if that person made a mistake, it still cannot justify the remedy of granting a re-read in the absence of a substantive argument.

In any event, the Professor's testimony is convincing on this point: her re-calculation of the Student's marks did not warrant a grade change. The Professor's initial confidence that she would change the grade pursuant to a re-calculation was based on the premise that the facts the Student had given her were correct, and that there had been an error in the calculation. The first time the Professor saw the numbers and the Advising Centre's calculations, she noticed that they had used different rules for rounding the numbers, and advised the student that there had been no error and there would be no grade change.

It is unfortunate if the person with whom the student interacted at the Academic Advising and Career Centre was ill-prepared to counsel this student. It must be disappointing for the Student to have her hopes raised and then find that in fact there had been no error. Nonetheless, these misunderstandings do not have any relevance to whether the Student's written submissions were under-valued by the Professor when she graded them. The Student appears to misapprehend the nature of the request for a re-read. She must discuss the academic content of her written work, and support her request with an explanation for why she believes the substance of her work was under-valued. In the absence of such an argument, UTSC does not permit a re-read.

C. A Grade Change in this Course Would Have Significant Consequences

The Student is understandably frustrated over the outcome of the Professor's calculations. She comments on the "mere .29% of a mark" that resulted from the differences in rounding, and how that small difference had such significant impact on her academic standing. However this frustration does not constitute a substantive argument about the fairness of the specific marks given to the written submissions in POLC54H3, *Intergovernmental Relations in Canada*.

When a student is on academic probation, and his or her overall standing is highly sensitised to marks, it is tempting to isolate one single assignment and attribute the overall total to that single mark on that individual assignment. However the Student's overall average reflects *all* of her course work, written submissions, and examinations, in all of her courses. While the potential consequences of a low mark may have an impact on his or her motivation to make an argument that his or her written submissions were undervalued, they do not actually substitute for such an argument. The Student has not offered a single reason that she believes the marks on her term work or final examination in POLC54H3 were assigned unfairly—she simply iterates that she is unhappy with the marks and their affect on her academic standing.

D. Administrators Have Been Inappropriately Involved in This Process

The Student seems to be extremely mistrusting of UTSC and resentful of what she perceives to have been mistreatment by many different people in the Division. The Student's account of facts is confusing, and she appears to hold intense beliefs about what people said or did during discussions at which she was not present. However there is no evidence that anyone at the UTSC has acted unfairly towards the Student, or applied Divisional policies inconsistently. The Division submitted several e-mails from administrators and faculty that demonstrate UTSC's efforts to explain its policies to the Student, and to encourage her to follow them carefully.

There is no evidence that the protracted nature of this process is attributable to deliberate delays on the part of the Division. The Student submitted and withdrew several petitions at around this time, including two petitions relating to this course. Early in the process, there was clearly some confusion about whether the Student was requesting a re-read or a clerical check of her grade. These are two different processes, and the Student's initial argument (that her grade had been incorrectly calculated) seemed to call for a simple mathematical re-calculation, rather than a substantive re-read, which would entail a re-evaluation of the Student's underlying work. This may have caused some delay in the ultimate resolution of this issue, but the information appears to have been imparted in good faith. Other delays may have occurred due to the timing of committee meetings and the Student's submissions of petitions and documentation. Those kinds of delays are unfortunate, but there is no evidence that any of them were deliberate on the part of UTSC. The Student's opinion that the Committee should continue to meet over the summer months does not reflect an understanding of the workings of the Division, or the availability of key personnel.

The meeting which took place between the Professor and Vice Dean Professor Scherk was professional and appropriate. It was necessary, in part, because of the confusing nature of this petition. The Professor's March 12, 2009 e-mail to the administration, in which she describes her confusion and her efforts to be clear with the Student, captures her contemporaneous understanding of the Student's petition and demonstrates both the rationale for having that meeting and the Professor's clear intentions to comply with departmental policies. The Professor's and Vice Dean Professor Scherk's testimony about what happened at the meeting was consistent and plausible. The administration did not voice a preference for how the Professor calculated the marks in her course, but only reminded her that she should use the same methodology for every student in the class. The Student has submitted no evidence supporting her belief that Vice Dean Professor Scherk refused to allow the Professor to change any marks.

The Student's other grievances reveal her grave mistrust of the Division, but they do not justify granting a re-read when no substantive argument for one has been made. The Student's anxiety about Vice Dean Professor Scherk's involvement in administrative procedures, her dislike and suspicions about other administrators at UTSC, her anger when a faculty member's office door is closed or a teaching assistant appears less than friendly are not the kinds of grievances for which granting a re-read is an appropriate remedy. Regarding the allegations about events that occurred before her enrolment in this course (a prior dispute with Vice Dean Professor Scherk, a prior alleged assault by another student), your Committee observed that these issues are strongly felt by the Student. While we sympathise with the Student's distressed state, we did not find them to be relevant to the issue of whether her work warranted a re-read, and they are not part of the justification for this decision. Finally, the Student informed this committee that she now "automatically" requests a copy of her final examinations, requests a clerical check, and petitions for a re-read of all of her courses. The Student seems to continue to be confused about the need for substantive grounds before a petition for a re-read will be granted. Students who desire a re-read must provide substantive grounds that their work was undervalued, including the details of the alleged misvaluation in order to support their request. The Division has repeatedly explained the standard for granting a re-read to this Student, and the process is clearly explained in the Academic Calendar. This Committee is concerned that the Student's challenging every mark she receives is very likely to create confusion within the UTSC administration, cause more anxiety and stress to the Student, burden the Division, and could become abusive of the processes that have been put in place to provide all students recourse when they believe they have a substantive argument for a re-read.

Conclusion

The issue in this case is whether or not UTSC applied its policy on re-reads appropriately. The section on "Special Consideration, Petitions, and Appeals" of the UTSC Calendar sets forth the conditions under which a re-read will be granted, and the amenability of a faculty member to performing a re-read is not relevant to the question of whether or not a student has made a persuasive case that a re-read is justified. The Division has set forth clear guidelines. Your Committee has listened intently to all of the Student's arguments, and finds that she has not articulated any acceptable grounds for a re-read of her course work or final examination. None of her arguments speak to the academic quality of her term work or final examination, and she does not identify any reason for believing that her answers were undervalued.

For all of these reasons it is the unanimous decision of the panel that this Student's appeal and request for a re-read of her term work and final examination in POLC54H3, *Intergovernmental Relations in Canada*, is denied.

**THE UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

**Report #357 of the Academic Appeals Committee
September 29, 2011**

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on Tuesday, 21 June 2011, at which the following members 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
Mr. Robert Hares, Law Student Observer, Appeals, Discipline and Faculty Grievances

Appearances:

For the Student-Appellant:

The Student

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

Vice Dean Professor John Scherk;
Professor for POLB80H3, formerly Assistant Professor in Political Science, UTSC, via audio-video internet connection;
Ms. Sari Springer, Cassels Brock (Counsel for UTSC)

I. The Appeal

The Student is appealing the decision of the UTSC Academic Appeals Board dated 22 October, 2009, which denied her petition for a re-read of one of her term assignments in POLB80H3, *Introduction to International Relations*. The request for a re-read had first been denied by UTSC's Subcommittee on Standing, in an e-mail dated September 28, 2009.

II. Facts

The Student took this class in the summer of 2009. There were two written submissions handed in during the term for this course: first, a 5-page research proposal and literature review

[hereinafter, "proposal"] for which the Student received a C grade, and second, a 12-page research essay [hereinafter, "research paper"] for which the Student received a grade of B+. The Professor for POLB80H3 (hereinafter "the Professor") and the Student agree that the two assignments were related, in that the final research paper was meant to fulfill the earlier, shorter research proposal.

The Student received a mark of 65, or C, in the course. She requested a re-read of her proposal on September 8, 2009. Her original request listed several grounds for her appeal, including her belief that the work warranted a better mark than it received, a complaint that the proposal was not returned to her in a timely manner, and her belief that the Professor was unable to give the submission a higher mark due to a strictly enforced distribution system.

The Student was informed that her request had been denied by the Subcommittee on Standing in an e-mail dated September 28, 2009. The e-mail summarised the decision, saying, "The Subcommittee on Standing found no justifiable grounds to have the proposal re-read. Moreover, you had the opportunity to pick up the corrected proposal in several classes but you were not present to take advantage of the opportunity."

The Student appealed this denial to the Divisional Appeals Board in a document dated September 28, 2009. Again, she asserted that she had not received her term work in a timely manner, and that the mark was below the actual value of the essay. She also expressed frustration with the length of time it took for her to trigger the correct process for her earlier appeal.

The Student was informed that her request for a re-read was denied in a letter dated October 22, 2009. The reasons given for the denial were first, "although you may have received a copy of your [proposal] after the deadline of the return of term work, there is no evidence that this was the fault of the instructor," and second, "there were insufficient circumstances and details provided concerning your paper to warrant a re-read."

III. The Student's Grounds for Appeal

In her February 18, 2010 statement supporting the appeal of the Divisional Appeal Board's decision to this body, the Academic Appeals Committee of the Governing Council, the Student listed several grounds for her appeal. She asserts, either in her original appeal or in documentation submitted later, the following seven claims:

1. The proposal was under-valued;
2. The course was subject to a strictly enforced quota system on marks;
3. The proposal was returned to the Student late;
4. The Student's final mark was improperly recorded;

5. UTSC violated the Student's privacy;
6. The Student was required to pay \$13 for a clerical check; and,
7. UTSC's processes are slow and poorly explained or administered.

Each of these grounds will be discussed below in greater detail. Because there are so many different arguments, and some are very factually complex, each sub-section below details the Student's arguments (A) and UTSC's response thereto (B).

1. The Proposal was Under-valued

A. The Student takes the position that her proposal was under-evaluated. She received a 65, or a C, on that written submission, and she believes that she should have received an 87, or an A, on the assignment. In her original request for a re-read, dated September 8, 2009, the Student defends her proposal, writing, "I included all the requirements and since this is only a two page document, all thirteen citations as impossible to be included since we were told not to do more than two page prior to bibliography and reference pages. Since this is a mere documentation or our main essay we had to include each area paragraph on the topic of choice."

In her handwritten appeal dated September 28, 2009, she asserts that "the mark was below the worth of the essay."

In additional documentation, submitted with her appeal to this Committee, the Student asserts that "Eventhough the main essay is a development from the proposal and received a 77, or B+ on the main essay" (page 28/46 of Student's faxed appeal, received February 18, 2010). Later in the same document she argues, "I will submit that my [proposal] was under evaluated and is evidence by the mark I received on the [research paper] which is a B+ or 77%. How is this possible? As I understand it the mark for both would be in the area of each other" (page 28/46 of Student's faxed appeal, received February 18, 2010). In another statement supporting this appeal, the Student asserted that "I received a B+ on the [research paper] but only a C on the [proposal] when all of the components were submitted in accordance with the ANNEX supplied by the professor and on top of that the essay is only a build up from the summary which I spent three weeks editing and receiving critique from the Writing Centre." (pages 5-6 of Student's faxed appeal, received February 18, 2010).

Finally, the Student submitted a nearly identical proposal written by a student who took the same course from the Professor during the summer of 2008. The Student argues that "the comparable proposal shows the work are in the same level if not mine being more to the requirement. The other student received an A on hers despite she did not submit a reference page for which she did not receive a mark. My work in the same level and I received a C with no explanation or time to review with the professor" (page 28/46 of Student's faxed appeal, received February 18, 2010).

B. UTSC rejects the Student's arguments. The Subcommittee on Standing indicated that there were no justifiable grounds for a re-read, and the Subcommittee on Academic Appeals concurred, writing that there were insufficient circumstances and details to warrant a re-read.

The Division takes the position that the Student's arguments are not substantive, scholarly defences of her written submission. It points to the standard set forth in the UTSC Academic Calendar, to which the Student was repeatedly referred. The section on Petitions reads, in pertinent part, that petitions for re-reads "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" [and] "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." NB, the calendar does not use the word "and" between these two requirements, but since the second one presumes the first one, this Committee concludes UTSC requires that both elements should be met. *Section D-4*

The Division disputes the Student's assertion that because the research paper built on the earlier proposal, they should receive similar marks. It submitted that the Professor's written instructions for each assignment, which make it clear that there were different requirements and expectations for each of the two separate submissions. The Professor testified that there is often variance between a student's mark on her proposal and his or her mark on the research paper. He said that he explains this to his students during class.

The Division also rejects the Student's arguments about the nearly identical proposal, and notes that the papers are so similar that they indicate serious academic misconduct on the part of Student. The Professor defended the mark the Student's paper as being justified by the merits of the paper. He is not the person who evaluated the 2008 paper, but he speculated that the difference between the two marks might be explained by the fact that the papers were evaluated by two different graders.

2. The Course Was Subject to a Strictly Enforced Quota System on Marks

A. The Student asserts, in her original request for a re-read, that "even though I earned an A he give me a C because he had already given out all the As and Bs that the University allows. We are aware that the university restrict (sic) how many As should be given out and how many Bs and so on." However, the Student offered no evidence of this system.

B. Professor and Vice Dean John Scherk, who represented UTSC at this hearing, denied that there was any such system in place. The Professor denied knowledge of any such system, and testified that he had been free to give any grade he believed the submission warranted. He testified that he marked the proposal exclusively on the merits.

3. The Proposal Was Returned to the Student Late

A. The Student claims that the proposal was not returned to her in a timely manner. She says that she never received it by e-mail, and that while she attended every single class, she never heard any one ask students to collect their proposals. She supports this claim with several e-mails showing that she asked the TAs for the class about having her paper returned.

B. UTSC asserts that reasonable efforts were made to return the paper to the Student. The Professor testified that he sent the proposal back to the Student via e-mail. He noted that there was a partial e-mail address written by hand across the bottom of the coversheet to the proposal: "07 @utsc...". The Professor said that he believed he had used that e-mail address to return the paper. The Student replied that she did not recognise that e-mail address, and that it had never been hers.

In any event, there was a second system for returning the proposals. Even if the e-mail system failed, the Professor said that he brought the papers with him to class several times, in order to return them to the students. Even when there were only a few left uncollected, he continued to bring them to class with him, announcing that he still had them. The Professor testified that he brought the Student's paper to class with him and the Student never collected her paper.

4. The Student's Final Mark Was Improperly Recorded

A. The Student argues that her final mark of 66.68% was improperly recorded, in that it was recorded as a 66% when it should have been rounded up to a 67%. This rounding error was corrected only after the Student made several efforts to do so. The Student alleges that the mis-recording of the grade was deliberate (page 5/46 of Student's faxed appeal, received February 18, 2010).

B. The Division responds that the recording error is not relevant to this request for a re-read. It denies that the rounding error was deliberate, and also points out that since the error has been corrected, the issue should not be included in this appeal.

5. UTSC Violated the Student's Privacy

A. The Student is concerned that UTSC may be violating her privacy because of various communications among administrators and between administrators and faculty regarding what she considers to be confidential information. (See Student's letter dated October 20, 2009, on page 32/46 of Student's faxed appeal, received February 18, 2010). As evidence she submits an e-mail from the Professor in another course, dated 19 October 2009, in which that Professor wrote, "Any instructions about your grades in my courses (present or past) that I am to follow will come from the Vice Dean's office. I cannot address any of your requests without instructions from that office to do so."

B. The Division denies any improper disclosure of information about the Student.

6. The Student Was Required to Pay \$13 for a Clerical Check

A. In her statement supporting this appeal the Student refers to several statements made by the Vice Dean on October 22, 2009 and also refers to the Chair informing her that she would be required to pay a refundable fee of \$13 in order to obtain a clerical check on her grade in this course. Because the clerical check resulted in a grade change (see section 4 above, regarding the rounding error) the \$13 was refunded to the Student. Nonetheless the Student asserts that she should not have been required to make the initial payment.

B. The Division defends its policy on requiring payment for clerical checks, and points out that in this case, because an error was detected, the \$13 was returned to the Student.

7. UTSC's Processes Are Slow and Are Poorly Explained

A. The Student asserts that UTSC was slow to inform her that she was following incorrect procedures, taking 20 days to give her information about the correct process to ask for a re-read. She also makes several references to the efforts she had to make to track down her graded proposal, and various other corrections she has requested. She stresses the difficulty that these delays have caused her, because of their effect on her academic standing. Improperly recorded grades, whether due to rounding errors or undervalued assignment marks, cause her more stress than they might other students, because of her precarious academic status.

The Student's statements contain many references to a number of problems that do not appear to be related to POLB80H3, *Introduction to International Relations*. For example, in her statement supporting this appeal, she refers to a conversation with a Vice Dean regarding a prior incident between her and another student (page 5/46 of Student's faxed appeal, received February 18, 2010).

B. The Division denies that the Student is treated differently than any other student, and asserts that administrative procedures are fair, rational, and completed as quickly as possible. The Division submits its Calendar as evidence of the clarity and specificity of its policies.

IV. Reasons for Decision

This Committee has considered all of the Student's arguments, including some arguments that do not seem directly relevant to the specific assignment in POLB80H3, *Introduction to International Relations* for which she has requested a re-read. We have unanimously concluded that the Appeals Board of UTSC was justified in denying her request for a re-read. The Student's appeal to the Governing Council is denied. Following are our reasons for the denial.

1. The Proposal Was Under-Valued

The Student has not made the kinds of substantive arguments that UTSC requires before granting a petition for a reread. She has asserted that her proposal was undervalued, but not discussed the work she produced, and instead relies on conclusory statements that her proposal deserved a better mark than it received. The Student's relationship with UTSC is deeply fraught, and she appears to sincerely believe that her academic work is being unfairly evaluated. However arguments about late returns, rounding errors, user fees, and administrative delays do not have any bearing on the academic merit of the work she produced.

The Student's submission of a former student's proposal is problematic evidence. This Division noted the alarming similarity between the 2008 paper and the Student's submission in 2009. The Professor suggested that the difference in marks was due to the different priorities and focus of the two different graders. Your Committee notes that the Student's proposal, while nearly

identical to the paper submitted in 2008, contains several grammatical errors that are not present in the earlier submission, which could account for the lower mark. The Student's proposal also omits many footnotes that were present in the earlier submission, which could also justify the lower mark. Your Committee finds it curious that the student would use a nearly identical, but grammatically correct, paper written by another student in a previous year, as evidence that her paper was unfairly marked, since such a level of similarity would warrant investigation for academic misconduct.

In the absence of any substantive defense of the proposal, and in light of the Professor's explanation for the mark he gave, this Committee does not find that the proposal warrants a re-read.

2. The Course Was Subject to a Strictly Enforced Quota System on Marks

There is no evidence that the Professor was required to assign a lower mark to the Student's proposal than the merits of the submission warranted. The Student appeared genuinely confused about the origin of the notion that faculty are limited in the number of As they can give out, and seemed not to recognise it as an allegation she raised in her original petition. Instead, she mistakenly interpreted UTSC's written response to her petition as making the claim that there is a quota system on the number of grades faculty can assign. She described the submissions, prepared on behalf of the Division by its lawyer, as an "affidavit" in which Vice Dean Scherk avowed that there was such a system. The Student's summary of the document was not accurate. When it was pointed out to the Student that the document she was quoting, was actually quoting *her* original claim, as stated in her request for a re-read, dated September 8, 2009, she offered no response.

In the absence of any evidence of such a system, and in light of Vice Dean Scherk's testimony that there was no such distribution system and the Professor's clear denial that he was subjected to a limit on high grades, the Committee cannot give any weight to this allegation.

3. The Proposal Was Returned to the Student Late

This claim seems peripheral to the Student's claim that the proposal was undervalued. The Student seems to connect these claims and interpret them as evidence that UTSC singles her out for unfair treatment. She makes a fair point when she says she was forced to write her research paper without the benefit of feedback on her proposal. However that point is not relevant to this appeal for a re-read of the proposal. She is not challenging her mark on the research paper, and seems to have written a successful research paper without her proposal, receiving a B+ on that submission. The Student has made no claim that the final research paper, which was based on the proposal that is the subject of this appeal, was not graded fairly.

It does not appear to be the fault of the Professor that the Student did not have access to her graded proposal when she wrote her research paper. The Professor testified that he saw the e-mail address "0 @utsc..." handwritten across the bottom of his evaluation sheet of the proposal (page 17/46 of Student's faxed appeal, received February 18, 2010). He testified that this looked like an official University of Toronto address, and that he believes he used that to

send the Student her proposal. While the Student denied ever using that address, she may be confused. On June 16, 2009 a TA communicated with Student using the e-mail address 0 @utsc.utoronto.ca. This e-mail was printed out and included in the paper work submitted by the Student, (page 30/46 of Student's faxed appeal, received February 18, 2010), which indicates that at one time this was a functioning e-mail address for the Student.

In any event, even if there were an error in addressing the e-mail, or if the Professor had an incorrect address on file, emailing the graded proposal was not the only method of returning students' work. The Professor testified that he brought the graded proposal to class with him several times, and that the Student failed to pick it up. The Committee finds it unfortunate that the Student did not receive her marked proposal until after the research paper was due, but must assign the responsibility for that to her. The timing of the return of the proposal is not related to the mark received on the original submission.

4. Remaining Grounds for Appeal

The remaining grounds offered by the Student are not, in this Committee's judgment directly relevant to the mark on her proposal in POLB80H3, *Introduction to International Relations*. The Student seems convinced that many of the things she finds frustrating are connected, and seems to believe that these other issues serve as evidence of a concerted effort on the part of the Division to single her out and under-value her academic work. The Committee saw no evidence of any such effort.

The fact that the Student's final mark was improperly recorded due to a rounding error is undoubtedly frustrating, especially in circumstances like the Student's where her precarious academic standing is sensitive to low marks. Nonetheless, there is no evidence that this was an intentional mis-recording, and it cannot be construed as evidence that her proposal was marked unfairly. The Student reports that after speaking with the Vice Dean the grade was changed on ROSI by October 19, 2009 (page 5/46 of Student's faxed appeal, received February 18, 2010). Since the correction has been made and the Student has been restored to her proper academic status, the Committee sees no remaining controversy on which to make findings.

The Student is agitated by the communications among administrators and between administrators and faculty about her standing. It is understandable that the Student is concerned that her privacy be respected, but there is no evidence that any of her personal information was disclosed inappropriately. Nothing about the Student was disclosed to people outside the institution, and the people within the institution who were informed of details about the Student needed to use the information in order to perform their duties. The actions the Student describes are examples of information being shared within the Division and where the disclosures were necessary in order for UTSC to perform its functions.

Even if the e-mail were found to contain a reference to an improper communication between the Division and a faculty member, which is not at all clear to your Committee, it does not touch upon this course or the mark at issue here. This Committee notes that the evidence offered, the other Professor's October, 2009 e-mail, is not relevant to this specific appeal. The Professor for this appeal was not involved in that exchange. He marked the Student's paper months before

that e-mail was sent, and expressly denied receiving any communications regarding the marks he was to give the Student.

The Student's remaining complaints are grievances that do not seem to be directly relevant to this appeal. They do not pertain specifically to the written submission for which she requested a re-read. Nor do they seem to be evidence of a pattern of discrimination or conspiracy against the Student. The Division requires all students making requests for clerical checks to pay a \$13 fee, and refunds the fee when the student is able to show an error occurred. In this case, the fee was refunded. Whether it is an ideal practice to charge a user-fee for clerical checks, and ask students to bear the costs of these individual searches and re-calculations is not for this Committee to determine. The policy is fairly administered.

The Student's anxiety about the length of time it took for her to properly file her appeal is also understandable, but it is equally understandable that the Division might inadvertently misfile one of the Student's appeals, petitions, and clerical checks, especially as they increase in number. In any event, it seems to this Committee that the Division made a good faith effort to keep each of the Student's administrative requests on track, and a twenty day delay in correcting a misfiling seems reasonable, given the number of students, faculty, and Departments at UTSC.

Conclusion

The issue in this case is whether or not UTSC appropriately applied its policy on granting re-reads of term work. The section on "Special Consideration, Petitions, and Appeals" of the UTSC Calendar sets forth the conditions under which a re-read will be granted, and the Professor and the Division have set forth a clear defence of the Subcommittee on Academic Appeals' Board ruling that the Student did not articulate clear grounds for reconsideration, neither addressing the substance of her answer nor identifying the nature of the misvaluation. None of the arguments offered by the Student have been specific discussions of her answers. She has listed a series of grievances about timeliness and concerns about other incidents, but her discussion of the proposal has been conclusory and lacking in detail. This Committee has considered all of the Student's arguments carefully, but the Division acted within its clearly stated policies.

For all of these reasons it is the unanimous decision of the panel that this Student's appeal and request for a re-read of her proposal in POLB80H3, *Introduction to International Relations*, is denied.

**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.