

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

Report # 423 of the Academic Appeals Committee
September 19, 2022

To the Academic Board
University of Toronto

Your Committee held an electronic hearing, conducted by Zoom on Tuesday, November 3, 2021, at which the following members were present:

Academic Appeals Committee Members:

Ms. Sara Faherty, Chair
Prof. K. Sonu Gaiind, Faculty Governor
Ms. Susan Froom, Student Governor

Appeals, Discipline and Faculty Grievances

Ms. Carmelle Salomon-Labbé, Associate Director, Office of Appeals, Discipline and Faculty Grievances

For the Student-Appellant:

Mr. A.A (the Student-Appellant “Student”)

For the Faculty of Arts and Science:

Mr. Randy Boyagoda, Vice Dean, Faculty of Arts and Science
Ms. Lisa Lutwak, Director, Faculty Governance & Curriculum Services, Faculty of Arts and Science

The hearing was reopened on Friday, February 18, 2022, and conducted by Zoom at which the above individuals were present, except for Ms. Lisa Lutwak.

I. Overview

The Student-Appellant appeals the December 22, 2020, decision of the Faculty of Arts and Science, as communicated in an email titled “Final Decision” from Thomas MacKay, Director of Faculty Governance and Curriculum Services. This email confirms the finality of a decision that the Student was not entitled to further re-grading of a quiz in the Winter 2020 term of BIO251H1, *Form, Function and Development of Plants*. That decision was first communicated to the Student-Appellant in an email sent by Associate Dean Asher Cutter on July 24, 2020. After several months of clarifications and exchanges, Mr. MacKay’s December 22 email informed the Student-Appellant that there was no change to the final decision, and that the remaining avenue of appeal was to this Committee.

The Student-Appellant’s concerns regarding his treatment can be viewed narrowly as a claim that one question on a ten-question quiz that was worth five percent of his final mark was invalid, because the underlying material had not been taught and was therefore “untestable.” This claim was made in the context of a constellation of concerns the Student-Appellant set forth about his instructor.

This file presented a procedural challenge when the Student-Appellant contacted the Office of Governing Council almost immediately after the hearing on November 3, 2021, ended asking to speak to this Committee. The Student-Appellant explained that he had some points he forgot to make during the hearing. The Chair determined that it would not be possible for the Student-Appellant to speak again to

this Committee without the representatives of the Faculty of Arts and Science present. A second part of the hearing, limited to 30 minutes and limited to the subjects the Student-Appellant neglected to bring up during the November 3 hearing took place on February 18, 2022, at 2:00 pm. No further written submissions were permitted.

II. Facts

The Student-Appellant had the bad luck of wanting to challenge a question that was on a quiz that was administered on Monday, March 9, 2020. History shows that the week this quiz was given proved to be plagued by rapid changes in public health guidelines and the academic program was required to respond to them with very little notice. Everyone on this Committee recalls the uncertainty and many last-minute challenges that surrounded the University of Toronto's shutting down of in-person classes that was announced that Friday, on March 13, 2020, due to the Covid-19 outbreak. Faculty, students, and staff at the University were all affected by the international pandemic that would go on to require shut-downs and adjusting to remote learning for the rest of that academic year, through the entire next academic year, and is still having a serious impact on teaching and learning at the University of Toronto. The record in this file exhibits significant delays, and some of the exchanges with the Student-Appellant were frustrating and confused. This Committee notes these delays and is grateful for the Student-Appellant's patience and the administrators' continued efforts to attend to this request for a regrading.

The academic work that is the subject of this appeal is a quiz that was administered on Monday, March 9, 2020 ("Quiz 3"). The Student wrote to the instructor the day after the quiz was administered, raising his concern that of the 4 true/false questions on the quiz, "3 of them were not answerable given what we were asked to study." The Student has not, at any time, asserted that his answers to the questions on Quiz 3 were correct. Rather, he challenges the fairness of the instructor's asking questions that, in his view, were not covered in the material students had been asked to study at the time the quiz was given.

The Student alerted the instructor to his concerns on March 11, two days after he wrote the quiz. He received his mark on the quiz later that month and determined that the questions he was challenging were not excluded from the calculation of his grade. The instructor communicated that the material tested on Quiz 3 was covered in the assigned material and in a handout that students had been told to read in preparation for the Quiz. After further exchanges, on April 8, the instructor told the Student that if he wanted a regrade, he should request one. She said that she would do the regrade herself.

The instructor provided the Student-Appellant with his quiz on April 16 of 2020. On April 18, two days after sending the Student-Appellant's quiz to him, the instructor sent an email to the Student-Appellant informing him "If you are going to request a regrade of your quiz 3 I will need to know by 12:00 pm April 19. I will not accept a request for regrade after that time." The Student-Appellant submitted his request for a regrade on April 19 at 10:51 pm. The following day, April 20, the instructor told the Student she was rejecting his request for a regrade, writing "the email I sent on April 18, 2020 states that I will not accept a request for regrade after 12:00 pm April 19. Unfortunately, you did not meet this deadline. Your request email for a regrade was sent late in the evening on April 19, well after 12:00 pm."

The Student asserts that the time-frame the instructor gave him was not reasonable, and that it was not consistent with either the information about requests for grade changes set forth in the syllabus, or with the University's policies on requests for grade changes.

The instructor's syllabus states:

"Grade changes:

“Students who wish to receive consideration for a grade change for a test must discuss the test with the course instructor. Students who wish to receive consideration for a grade change for a quiz must discuss this with their TA. Final approval for the grade change on a quiz will be at the discretion of the course instructor. **Grade changes will only be considered within one week of the posting of the grade in Quercus. Grade changes will not be considered after this time.** Check Quercus frequently to make sure that your marks are posted and therefore, recorded.”

Technically the instructor did not violate this rule, since the syllabus ties the one-week limit in requesting regrades to the date grades are posted. The Student-Appellant reports receiving his mark in March, so that the one-week limit had clearly elapsed. However, the Student may have believed he could not write a meaningful request for his regrade until he had seen his quiz, and that did not happen until weeks later, on April 16. In these circumstances the Student-Appellant’s perspective might be that he should be allowed one-week after receiving his quiz (or until April 22) to request a regrade, and the instructor’s perspective might be that his request was already weeks late, and she was being generous giving him more time. This question is resolved below.

The Student-Appellant identified two problems with the instructor’s proposed regrade. He asserts that the instructor’s statement that she would regrade the quiz herself violates a provision in the Faculty of Arts and Science’s academic handbook (<https://artsci.calendar.utoronto.ca/term-work-testStudent-Appellant-and-final-exams#reassessment-marks>). (Benjamin Gilbert refers student to this website in his May 25 email.)

This provision says “[i]f a TA originally marked the work, the remarking request should go first to the TA and any appeal of that should go to the course instructor.” This provision allows for a grade appeal of a work going to the instructor eventually if it is decided against the student (this reading assumes students do not appeal TAs’ decisions that are favourable to them), but the Student-Appellant would have preferred that the remarking request should go directly to the TA. However, it was the Student who sent his request directly to his instructor. The Student is correct that the instructor proposal was inconsistent with the text of the Academic Handbook at the time, which is problematic. It would have been better if she had redirected the request to the TA who had originally marked the Quiz.

The other problem is clearer cut: the Academic Handbook stated, “Students should make such requests as soon as reasonably possible after receiving the work back, but no later than 2 weeks after it was returned.” This provision is important for two reasons. First, it establishes that the relevant starting point for timing requests for regrades is the return of the assignment, not the posting of the grade. Second, it establishes the appropriate time frame at two weeks, not the one-week window that was listed in the syllabus, nor the less than three days allowed by this instructor in this instance. Again, the instructor’s practice was inconsistent with provisions in the Academic Handbook. It would have been better if she were aware of the rules, or, if she was not aware of them, if she had looked them up so she could follow them.

Your Committee is persuaded that the instructor’s handling of the Student-Appellant’s request was not consistent with the Faculty of Arts and Science policies. The less-than-two-day time-frame the instructor gave the Student-Appellant was not reasonable, and he was entitled to twelve more days than he received.

The Student sent the instructor his request, narrowly missing the unreasonably short time-allowance she had given him.

This problem was resolved the next day. The Student immediately told the instructor that he was not satisfied with her response. The instructor responded by forwarding the email exchange regarding a regrade to the Associate Chair, Undergraduate, of the Ecology and Evolutionary Biology department. Associate Chair Professor Benjamin Gilbert responded that same day.

Your Committee is afraid that the Student-Appellant misunderstands Professor Gilbert's April 20 email. He characterizes the Associate Chair's communication as "agreeing" with his instructor but on the issue of whether he was entitled to a regrade the Associate Chair's email says the opposite—he wrote "[s]hould you choose to contest this decision I can request a regrade." This email reverses the instructor's refusal to offer a regrade.

Associate Chair Gilbert's email touches on other topics, which may explain the Student-Appellant's misreading. Most notably, he writes, "your concerns about the questions have been checked against the materials presented in lab and that you were supposed to read prior to lab. In short, the professor and TAs verified that these questions are consistent with learning expectations and the learning resources provided to students." In this sentence, Professor Gilbert communicated to the Student-Appellant that his substantive concerns had, in fact, already been addressed by the instructor and the TAs. Recall that the Student was not defending the scientific correctness of his answers, but rather he is challenging the validity of some of the questions. The Student-Appellant was arguing that the questions were unfair because they hadn't been covered by the instructor. Classifying this debate as a request for a regrade may be a source of confusion—the Student-Appellant was challenging the fairness of asking those questions on the quiz. The TAs and the instructor confirmed that the questions were legitimate. The Associate Chair inquired into the facts and determined the substance of the matter had been handled properly and in a timely manner.

The Student-Appellant continued to escalate the matter, engaging with Nicolas Rule, who was then Vice-Dean, and eventually contacting Associate Dean Asher Cutter and Thomas MacKay, the Director of Faculty Governance & Curriculum Services. In these exchanges the Student-Appellant was raising several procedural irregularities and frequently voiced concerns that his multiple issues were not being addressed. During the hearing the Student-Appellant repeatedly asserted that no one had addressed his underlying substantive concerns and suggested that he had yet to have an academic with the appropriate background and training review his claims.

In one exchange, dated July 28, 2020, Director MacKay told the Student-Appellant "you can and should take the decision from Dr. Cutter as applying to all aspects of your appeal—including the issue of the fairness surrounding testable material. In other words, you can trust that Dr. Cutter has decided that your specific concern on that matter has been fairly addressed...you should consider the response comprehensive and final at this stage in the appeals process." In another email, dated July 28, 2020, Director MacKay assured the Student-Appellant "the decision received from Dr. Cutter is the final decision and encompasses all aspects of your case."

All these emails relied on the clearly stated Faculty policy establishing that work that is valued at less than twenty percent of a final course grade is not reviewed higher than the instructor level.

III. Procedural Facts

Second half of hearing

Within a few minutes of the closing of the November 3, 2021 hearing, the Student asked if he could get in touch with Committee members because he realized there were points he wanted to make that he had not made. The hearing was reopened for thirty minutes on February 18, 2022, at 2:00 pm with the same attendees, except Ms. Lutwak was not available.

At the second part of the hearing the Student reiterated many of the points he made during the first, much longer part of the hearing. It is unclear to this Committee precisely which arguments and facts the Student wished to recite that he had not made earlier, except that during this second part of the hearing he emphasized his desire to see the instructor in BIO251H1, *Form, Function and Development of Plants*, face consequences for her performance during this term, and to be penalized because of the way she mishandled his request for a regrade.

IV. Issues

At issue in this academic appeal is the process and outcome of the Student-Appellant's request for a regrade of a quiz that was administered in the Winter 2020 term of BIO251H1, *Form, Function and Development of Plants*.

1. Was the material covered in Quiz 3 "testable" in BIO251H1?
2. Did the Student-Appellant's instructor correctly state the policies of the Faculty of Arts and Science on regrading work on her syllabus or in her emails to the Student?
3. Did the Student-Appellant receive a fair and substantive review of his concerns relating to the validity of the question that appeared on Quiz 3 by a qualified reader?
4. Did the Faculty of Arts and Science follow Faculty policies in following up on the Student-Appellant's concerns, and were those policies fair and reasonable?
5. Is the Student-Appellant entitled to further review of the validity of his score on Quiz 3 in BIO251H1, *Form, Function and Development of Plants*?
6. Is the Student-Appellant entitled to any of the additional remedies he requests?
7. Should the instructor's regrade of Quiz 3 be applied?

V. Analysis

1. Was the material covered in Quiz 3 "testable" in BIO251H1?

Yes. The Student-Appellant is not defending the correctness of his answers, but rather is arguing that it was not reasonable or fair for the teacher to ask the questions she asked because the material being tested had not been appropriately covered in class. The instructor disagreed, replying that the material was in the introductory paragraph to the Lab. The instructor also reported that the material had been orally covered during class, and that it appeared in the assigned reading associated with the Lab. In his note of April 20, Benjamin Gilbert, an Associate Professor in Ecology and Evolutionary Biology, and Associate Chair of Undergraduate Studies, wrote that the TAs for this class supported the instructor's reasoning, writing, "[i]n short, the professor and TAs verified that these questions are consistent with learning expectations and the learning resources provided to students."

The Student-Appellant has had difficulty taking in Professor Gilbert's message. In his written submissions to Governing Council he wrote, "Throughout this entire appeal process, not one person considered or addressed the evidence put forward by the student to show why the question was unanswerable. Instead, the approach taken by all reviewers regarding that point was to simply ask the original course instructor whether they thought the question was answerable using the course material."

This Committee reads Professor Gilbert’s message as indicating that the TAs confirmed that the material was covered in the class. The Student-Appellant suggests that Dr. Gilbert is not specifically focused on the area of science covered by the quiz question at issue, but this Committee finds that between the instructor of the course, her four TAs, and Professor Gilbert there is an appropriate balance of subject matter expertise, personal knowledge of the course in question, authority, and objectivity.

In his email of July 28, Thomas MacKay followed up, writing “you can and should take the decision from Dr. Cutter as applying to all aspects of your appeal—including the issue of the fairness surrounding the testable material.” Mr. MacKay reiterated, “In other words, you can trust that Dr. Cutter has decided that your specific concern on that matter has been fairly addressed.”

This Committee does not have the expertise, nor is it charged with determining the academic merits of the Student-Appellant’s argument. We find that despite the misstatements of the appeal process that marred the earliest steps in this request for a regrade, based on the statements of the instructor and the TAs, and the inquiry conducted by Dr. Cutter, the Student-Appellant’s original concern has been addressed. The Faculty has determined that the material was testable.

2. *Did the Student-Appellant’s instructor correctly state the policies of the Faculty of Arts and Science on regrading work on her syllabus or in her emails to the Student?*

The Student-Appellant’s instructor did not correctly state the policies of the Faculty of Arts and Science. This Committee has identified two errors in her application of the policies. First, she said that she would regrade Quiz 3 when according to the FAS it should have first been regraded by the TA who originally marked it. Second, she gave the Student an unreasonably short period of time to submit his request.

This instructor should have known, or known to look up, the Faculty of Arts and Science’s policies pertaining to the Student-Appellant’s request for a regrade. She made two mistakes. This Committee finds the instructor was incorrect in her statements of the policy. We also believe the Faculty of Arts and Science has an obligation to inform instructors of its policies. In this case, after the misstatement of policies was called to their attention, the misstatements were corrected to the extent possible. The questions about who should regrade the Student-Appellant’s Quiz 3 were made irrelevant by the substance of the student’s argument—he was not claiming his answers were correct, but rather that the underlying material had not been presented in class, so they were “untestable.” In the end, he got multiple answers to that question—the instructor and the TAs all verified that the material had been presented. The question about how much time he should have had was defended by the administration. The instructor originally told the Student that his submission was too late and that his request would not go forward, but in fact the next day the Administration did move forward with the inquiry. We note that it was the instructor who brought the Administration into this debate. While it would have been better if she had known the regrading policy or checked with the administration before responding to the Student on April 19, we see that she consulted the Administration on April 20—so her mistakes were promptly corrected. The Student-Appellant was justifiably irritated with his instructor’s unreasonable demand and incorrect statement of the rules, but he was not impaired by those mistakes, and it was his instructor herself who brought these questions to the Faculty of Arts and Science for resolution.

3. *Did the Student-Appellant receive a fair and substantive review of the validity of the question that appeared on Quiz 3 by a qualified reader?*

In some of his written submissions, and during the hearing, the Student-Appellant suggested that the TA who originally marked his quiz should be the person to address his concerns. The record indicates that this has already happened. In his email of April 20, 2020, Dr. Benjamin Gilbert wrote to the Student-Appellant about his concern that the quiz questions had not been properly “checked against the materials

presented in lab and that you were supposed to read prior to lab.” Dr. Gilbert explained, “the professor and TAs verified that these questions are consistent with learning expectations and the learning resources provided to students.”

While your Committee is not convinced that a review by the instructor alone would not have been dispositive in this case, here we see that the TAs concurred with this conclusion. The Student-Appellant believes that throughout his appeals no one looked at the substance of his evidence. He asserts that instead of doing that, reviewers consulted with the instructor who, he believes, would undoubtedly support her original grade rather than acknowledge an error.

The Student-Appellant characterizes his evidence of the instructor’s wrong doing as “black and white,” asserting that he can unequivocally prove that professor’s unfairness in marking. This does not strike your Committee as accurate. There were procedural mistakes early in the Student-Appellant’s attempt to get his Quiz 3 regraded, but they were addressed, and they did not cause the Student-Appellant academic harm.

After the instructor’s misstatements of policies was called to their attention, Administrators corrected the instructor’s misstatements of procedure to the extent possible. The Student-Appellant’s questions about who should regrade the Student-Appellant’s Quiz 3 were made irrelevant by the substance of the Student’s argument—he was not claiming his answers were correct, but rather that the underlying material had not been presented in class, so they were “untestable.” According to the syllabus, there were four TAs in the course. There is no point in worrying about which individual (the instructor or one of the TAs) re-read his answers, the questions the Student-Appellant got wrong, since he is not claiming to have answered them correctly. The incorrect answers on Quiz 3 did not have to be re-read at all. It was a true/false question, and the Student acknowledged in his March 26 email to the instructor that he answered it incorrectly. (“One question asked about whether monocots and dicots differ because one group has a heart stage whereas the other does not. I learned later that this is true.”) Rather, the Student-Appellant wanted an answer to his question about whether the material was “testable,” or, in other words, whether it had been covered in the class. In the end, he got multiple answers to that question from the people who were most qualified to answer it. The instructor and the TAs verified that the material had been presented. Dr. Cutter inquired into this matter and was satisfied that the material was testable.

The instructor originally told the Student that his submission was too late and that his request would not go forward, but in fact the next day the Administration did move forward with the inquiry. The question about how much time the Student-Appellant should have had to submit his request for a regrade was correctly interpreted and his right to submit the request was defended by the Administration. The request was acted upon.

We think it is important that in the end it was the instructor who brought the Administration into her dispute with the Student-Appellant. While it would have been better if she had known the regrading policy or checked with the Administration before responding to the Student on April 19, we see that she appropriately consulted the Administration on April 20—so her mistakes were promptly corrected. The Student-Appellant was justifiably irritated with his instructor’s unreasonable demand and incorrect statement of the rules, but he was not impaired by those mistakes, and it was his instructor herself who brought this dispute to the Faculty of Arts and Science for resolution.

It is in the nature of appeals that with every escalation the decision-maker is further removed from the details of the underlying events. In this case the Student-Appellant got responses from the people closest to the incident (the instructor and the TAs) and from administrators (Dr. Gilbert and Dr. Cutter) who were further from the events. His request for a higher number of more specifically academically qualified readers of Quiz 3 is not supported by Faculty of Arts and Science policies, which disallows that degree of

scrutiny for assignments of such low value. Its policy reads, “A request for re-grading of a mark beyond the instructor for term work may only be made for an item worth at least 20% of the course mark.”

4. *Did the Faculty of Arts and Science follow Faculty policies in following up on the Student-Appellant’s concerns, and were those policies fair and reasonable?*

While the instructor incorrectly applied an appeal request deadline to the Student, the administrators at the Faculty of Arts and Science, who were notified of these questions by the instructor, followed their policies. The Faculty of Arts and Science is responsible for making sure its instructors are aware of and adhere to Faculty policies. This Committee is aware that with more than 27,000 undergraduate students, and more than 340 undergraduate programs and more than 4,800 courses this is an enormous task. We urge the Faculty to continue to work on making sure instructors are well-informed and act in accordance with its policies.

It is especially concerning that the instructor’s syllabus set forth provisions that were inconsistent with the policies at the Faculty of Arts and Science. During the hearing Vice Dean Boyagoda acknowledged that the Faculty needs to upgrade its communications with instructors, and that it is in the process of clarifying its policies to increase compliance. This Committee applauds this effort and notes that while the instructor in this incident was not well informed of the policies, the administrators she contacted were aware of them and followed them.

5. *Is the Student-Appellant entitled to further review of his score on Quiz 3 in BIO251H1?*

The Student-Appellant requested a regrade of a quiz (Lab Quiz 3) he wrote for BIO251, *Form, Function, and Development in Plants*. The Student-Appellant asserts that there were errors in the way the instructor handled this request. A subsequent review of the mark was conducted, but the Student is still not satisfied that his concerns have been properly understood or addressed. He is asking for another review of the assignment and would like it to be conducted by three qualified reviewers. This is not warranted for an assignment that was weighted so slightly. The Faculty of Arts and Science limits review of such assignments to the instructor level.

6. *Is the Student-Appellant entitled to the additional remedies he requests?*

The Student-Appellant has voiced considerable frustration with his instructor’s treatment of his request for a regrade. He has correctly pointed out that her understanding of Faculty of Arts and Science policies on this issue is incorrect. He has correctly pointed out that the policy on her syllabus is inconsistent with the Faculty policies. His allegations go further than this, however, and are not supported by the record. His requests that the Faculty of Arts and Science pursue disciplinary action against the instructor are inappropriate and cannot be considered in this forum.

This Committee is saddened to see the extent of the Student-Appellant’s mistrust and anger with his instructor. He used strong language in his written submissions and at his hearing, and he is convinced that the instructor in this file has so much malice toward him that she cannot be trusted. We take the Student’s factual allegations regarding his writing of the assignment in question at face-value, but we cannot adopt or embrace the overall posture of his written submissions. We regret this context and wish that it were otherwise. We urge the Student-Appellant to have confidence that even though his instructor made incorrect statements about how requests for regades are handled at the Faculty of Arts and Science, and even though she gave him an unreasonably short amount of time to submit his request, in the end his request was accepted (even though it was submitted after the instructor’s unreasonable deadline), and the substance of his request was addressed by people qualified to do so.

Whether any further action was appropriate or was pursued is not known to this Committee, and we have no reason to inquire further. Vice Dean Boyagoda pointed out that any such action would be completely confidential. He acknowledged that the Division has a responsibility to communicate rules clearly to instructors to make sure that they are applied fairly and consistently and acknowledged that the size of the Faculty of Arts and Science, with more than 900 academic staff presents challenges in getting clear, consistent communication of sometimes complex rules completely communicated. The human resources division of the University has tools regarding employment status, disciplinary measures, etc., but they are not properly exercised by this academic appeal body. The Faculty of Arts and Science is reviewing and revising its calendar and syllabi for clarity. This work is expected to be finished during the upcoming academic year (2022-2023).

The Student-Appellant repeatedly raised issues that were not supported in his written submissions. This Committee is not able to address the claims brought on behalf of unnamed classmates. The University has a robust course evaluation system in place for students, and much of what the Student-Appellant raised might be appropriately addressed through those mechanisms. Some of what the Student-Appellant raised would only be addressed with confidentiality in the employment law context, and would, of course, require evidence that was not provided in the context of this academic appeal.

The Student-Appellant continues to express his belief that no one other than the instructor has reviewed his concerns about the validity of the question: namely, that students had not been provided with adequate material to correctly answer a true/false question about how monocots and dicots differ.

The Student-Appellant's claims challenging the validity of the question were reviewed again at a higher level of appeal. On July 28, 2020, there were several emails between the Student-Appellant and Mr. MacKay regarding whether a regrade of Quiz 3 was to go forward. (The Student-Appellant had asked for a regrade to be performed by someone other than the original instructor but did not want a regrade if it were to be done by Professor Sage.) After several exchanges on that point, the Student-Appellant brought up his concern that the true basis of his request for a regrade had not been addressed. Put simply, the Student-Appellant was not suggesting his answer to the question on Quiz 3 was correct. Rather, he was challenging the validity of that question. He believed it was an unfair question because the material it was probing had not been presented to students at the time the quiz was given.

At 5:08 pm on July 28, Mr. MacKay's focus switched to the issue of whether the administration had been attentive to the Student's underlying concern. He wrote, "you can and should take the decision from Dr. Cutter as applying to all aspects of your appeal—including the issue of the fairness surrounding testable material. In other words you can trust that Dr. Cutter has decided that your specific concern on that matter has been fairly addressed."

The Student-Appellant asked Mr. MacKay to follow up with Dr. Cutter to confirm that issue. Mr. MacKay said that he would, and on July 30, 2020, he wrote back: Thomas Mackay, in his July 30, 2020, email, expressly confirmed that Dr. Asher Cutter, a scholar in ecology and evolutionary biology, had considered the Student-Appellant's concerns about whether the answer to the true/false question on Quiz 3 could be answered from the course materials presented at the time the quiz was administered. Dr. Cutter, with an undergraduate degree from Tufts University, a PhD from University of Arizona, who did post-doctoral work at the University of Edinburgh, reviewed the student's claim. On July 30, 2020, Mr. Mackay wrote, and "I have confirmed that the decision received from Dr. Cutter is the final decision and encompasses all the aspects of your case. This encompassed the question of the testable material in the same way the whole case was assessed: Dr. Cutter did not see any basis to suggest the process of evaluation or appeals thus far did not treat you fairly and consistently."

Despite the clarity of Mr. MacKay's two emails, the Student-Appellant did not absorb the meaning of these messages, writing the following day:

“[u]p until this point, no one has actually taken a look at the substance of my proof. Dr. Gilbert did not conduct any review of his own, he simply took Dr. Sage's word on the matter,”

and

“[t]hus far, there has been no opportunity for me to actually present my proof to anyone other than the course instructor.”

These statements are not consistent with the communications from Mr. MacKay about Dr. Cutter's involvement with this question. While it is clear that he consulted with the instructor and the TAs, it does not support the Student-Appellant's firm belief that this is all he did.

The Student-Appellant is frustrated and angry, and clearly has little respect for the instructor of BIO251. This unfortunate turn of events seems to have led him to lose trust in the entire process of reviewing his concerns about the course. Nonetheless, your Committee can only conclude that the Faculty of Arts and Science followed its policies. In the end, the outcome is not what the Student-Appellant hoped for, but it is fair. The administration has, in fact, dealt with the issues he raised and clearly explained the reasoning for their administrative conclusions to him.

7. *Should the instructor's regrade of Quiz 3 be applied?*

Student does not currently wish to have regrade of Quiz 3 applied to his mark

There has been some confusion about whether the Student-Appellant is currently requesting a regrade of his Quiz. He is not. He wanted a regrade to be performed by someone other than his original instructor and has been very clear that if that is not forthcoming, he does not wish to have Professor Sage regrade his Quiz. It appears as if, in error, such a regrade by the original instructor has already been performed.

In his email of July 30, 2020, Mr. MacKay reported that the quiz had been re-marked. He noted that “the remark of the quiz will not be applied while you are undertaking appeal processes.” The Student-Appellant was very firm that he does not want the revised mark on this quiz applied. Since he made his wishes on this point clear early in this process, your Committee agrees that the original mark (not the lower revised mark) should stand. The request for a regrade of the quiz was withdrawn when the Student-Appellant learned that the original instructor would do it (or had done it), and it should not be applied. The Division appears to be aware of this request, and prepared to honour it. This Committee emphasizes that the instructor's regrade of Quiz 3 should not be applied.

6. Conclusion

The Student-Appellant is obviously frustrated by what he perceives as the instructor's unreasonable behaviour and her violation of the University's policies. This Committee agrees that the instructor made some errors, but notes that those errors were quickly addressed and corrected by the Faculty of Arts and Science, and the Student was not academically harmed by the early procedural mistakes.

This file raises difficult questions and is unsettling because it presents a complete breakdown of trust between a Student and his instructor. It is impossible to understand the Student's motivation for pursuing another review of this single true/false question on a ten-point quiz that was worth 5% of the Student-

Appellant's overall course mark without reference to the emotional context of this course. The facts and evidence presented by both the Student-Appellant and the Division outline a dispute that is hard to comprehend unless you adopt the perspective of a very frustrated Student who has lost confidence in the fairness of his instructor. The Student-Appellant acknowledges that changing his score on the quiz would not change his overall grade for the course, which was an A. This Committee sees the Student-Appellant's frustration and acknowledges that his instructor originally set forth a mistaken procedure for addressing his request for a regrade. We also see, however, that several administrators at the Faculty of Arts and Science stepped in to redress the error. The primary remedy sought by the Student is not proportionate to the incident, and is not necessary because a qualified regrade has taken place. The other remedies requested by the Student are in the province of human resources, would require significant evidence to justify, and cannot be answered in the realm of the academic appeal process.

This Committee looked carefully at the events described and concludes that despite the instructor's initial incorrect statement of Faculty of Arts and Science policy at the beginning of the process, the Student-Appellant ultimately received a fair and substantive regrade that was commensurate with an assignment of the weight of Quiz 3. Under clearly stated Faculty of Arts and Science policies, he is not entitled to further review of that quiz.