

UNIVERSITY OF TORONTO
GOVERNING COUNCIL

Report #445 of the Academic Appeals Committee

January 16, 2026

To the Academic Board
University of Toronto

Your Committee reports that it held a hearing on December 8, 2025, at which the following members were present:

Academic Appeals Committee Members:

Professor Ian B. Lee, Chair
Professor Laurent Bozec, Teaching Staff Governor
Jay-Daniel Baghbanan, Student Governor

Hearing Secretary:

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

For the Student Appellant:

X.Z. (the “Student”)

For the Faculty of Arts and Science:

Professor Randy Boyagoda, Vice-Dean, Undergraduate

I — Overview

The Student appeals from a decision of the Acting Vice-Dean, Undergraduate, Faculty of Arts & Science, Professor Don Boyes, dated June 19, 2025, terminating consideration of the Student’s request for a regrade of her final exam in PSY390 (Fall 2024).

The Student seeks two remedies. First, the Student asks that her exam be reread by the original course instructor, Professor Paul Whissell, and that the reread be conducted in accordance with certain conditions specified in her written submissions. Second, the Student requests a letter of apology from named representatives of the Department of Psychology (“Department”) and the Faculty of Arts & Science (“Division”).

The appeal is allowed in part. Your Committee has decided that the Student is entitled to have her final exam re-read, as she has complied with the requirements for obtaining a reread and has

not withdrawn her request. However, this rereading need not be by the original course instructor. The Department is entitled to select a different instructor with relevant expertise.

Regarding the second remedy sought by the Student, your Committee does not have jurisdiction to order the issuance of a letter of apology. This aspect of the appeal is dismissed.

II — Chronology

The Student was enrolled in PSY390 in the Fall 2024 term. The method of assessment in the course had four components:

- an assignment (5%);
- a methods quiz (15%);
- a term test (35%); and
- a final exam (45%).

The Student received an overall mark of 77% in the course.

Although the present appeal concerns specifically the Student’s request for a review of her final exam grade, the surrounding circumstances include a more general effort by the Student to obtain a review of each of her four course deliverables. The Student and the Division disagree about the characterization of the Student’s pattern of communication with the course instructor about these matters, and about the reasonableness of the Department’s response. As a result, your Committee finds it necessary to describe the relevant communications in some detail.

The communications can be organized into four time periods (all dates are in 2025):

- January 6-28: Request for review of marks on all four deliverables
- March 27-May 28: Exam viewing and preparation and submission of exam reread request
- May 29-June 5: Associate Chair’s response to reread request
- June 10-19: Student’s request for Dean’s intervention; reread request closed

A — Initial request for review of marks on all four deliverables (January 6-28)

By e-mails to the instructor dated January 6 and 10, the Student requested a review of the marks in each of the four course deliverables.

The Student’s e-mail of January 6 requested that the instructor “review the final exam and the assignment again” (Division’s Response Package (“RP”), p. 023). The professor responded on the same day, stating that he would perform an “addition check” on the grades for those course deliverables; he advised that a substantive grade review could only occur following an exam viewing, which becomes possible “a month or two after the course ends, once exams have been returned to the [Office of the Faculty Registrar]” (RP, p. 023).

- The Student’s e-mail of January 10 requested a review of marks in the other two course deliverables — the term test and the methods quiz (RP, p. 027).

On January 16, the instructor wrote to the Student regarding all four course deliverables. The instructor reported that the Student’s assignment grade was 100% before review and could not, therefore, be reviewed; and that the term test had already been reviewed during the term and could not be reviewed further. The instructor repeated his earlier communication that the final exam grade could only be reviewed after the exam viewing process, and that he would be “happy to do [the review] later” (RP, p. 026). Finally, regarding the methods quiz, the instructor raised the Student’s grade on this deliverable by 1 point, but this did not result in any change to the Student’s final course grade.

Following this response, the Student requested additional review of her term test and methods quiz. These requests were made by e-mail, as described below. They were also made in person at the instructor’s office hours and at the conclusion of classes taught by the instructor in the Spring 2025 term. The following is a summary of the e-mail communications:

- Regarding her term test, the Student requested a “comprehensive re-evaluation” of this deliverable in two e-mails dated January 17 and 19, stating that it had been unfairly graded (RP, pp. 036-037).
- The instructor replied on January 21 that he would not regrade the term test further. He explained his reasons for this decision, and requested that the Student “not e-mail [him] regarding the test term [*sic*] issue further” (RP, p. 038). The instructor indicated that he had communicated to the Student “previously during our multiple discussions” that the decision was final; he also indicated that he “[could not] have meetings [regarding this matter] during office hours, as this time is set aside for current students in need of support” (id.). The instructor cc’d the Department’s Associate Chair, Undergraduate, Professor Katherine Duncan, on his message.
- Regarding her methods quiz, the Student stated that she wished to “appeal” the score on this deliverable, in an e-mail dated January 22 (RP, pp. 040-041).
- The instructor replied on January 23 that this was a second request for a review of the same assessment, that in his view a further grade increase was not justified, and that this was a final decision (RP, p. 040). He requested that the student “not email [him] further about this quiz or ask to meet with [him] regarding it,” and again cc’d the Associate Chair.

On January 28, the Student met with the University College Registrar, Mr. Ryan Woolfrey, at the latter’s request (Student’s Appeal Package (“AP”), p. 27 of PDF). The Student and Division’s accounts of this conversation differ. According to the Division, the Student was instructed “not to engage or communicate any further with your instructor about your grading appeal under discussion” (i.e., her final exam appeal) (as described in e-mail from D. Boyes to Student, June 13, RP, p. 043). According to the Student, the Registrar “never asked [her] to refrain from

contacting [the instructor] regarding the regrading of the Final Exam” (E-mail from Student to S. Wright, June 10, AP, p. 27 of PDF). In fact, the Student states that she specifically indicated at this meeting that she intended to contact the instructor regarding a reread of her final exam after the exam viewing window opened, and that the Registrar “acknowledged this statement and raised no objection” (E-mail from Student to S. Wright, Sept. 17, AP, p. 65 of PDF).

B — Exam viewing and preparation and submission of reread request (March 27-May 28)

In late March, after the Student had an opportunity to carry out the required viewing of her final exam, the Student e-mailed the instructor to request a review of her exam. The instructor replied that he was “happy to review the exam,” and informed her that she needed to file a “formal request,” including a “report detail[ing her] concerns about the exam” (E-mails from P. Whissell to Student, March 27, 2025, as quoted in E-mail from Student to S. Wright, June 10, 2025, AP, p. 34 of PDF.)

On March 28, the Associate Chair e-mailed the Student to inform her of the procedures for a final exam reread. The Associate Chair added that “there is no need for [the Student] to contact [the instructor] directly to receive this regrade” and to request that the Student “not contact [the instructor] again about this matter” but instead direct any questions to the Associate Chair or to the UC Registrar. (RP, p. 064.)

On April 25, the Student wrote to and met in person with the Associate Chair regarding the review of her final exam grade. (Division’s Response, RP, p. 006.) In these and various follow-up communications, the Student requested, and was granted, a second opportunity to view her final exam before submitting a formal reread request. (E-mail from Student to K. Duncan, April 25, 2025, RP, p. 066; E-mail from Student to Undergraduate Program Coordinator, April 28, 2025, RP, p. 068; E-mail from Undergraduate Program Coordinator to Student, April 29, 2025; RP, p. 068.)

On May 15, the Student attended at the instructor’s office to discuss the regrading of her final exam. (Division’s Response, RP, p. 006.)

On May 27, the Student submitted her reread request to the Office of the Faculty Registrar, accompanied by a 101-page “Rationale Document” documenting the issues with the grading of her exam. (As described in e-mail from Student to K. Duncan, May 28, 2025, RP, p. 071.)

On May 28, the Student wrote to the Associate Chair to communicate that she had submitted the reread request, and that she planned to drop off a printed copy of the Rationale Document at the Associate Chair’s office the following day. (Id.) In this e-mail, the Student thanked the Associate Chair for her support, and shared that she “[felt] deeply helpless, frustrated, and overwhelmed by how severely unfair [the grading of her final exam had been]” (Id.).

C — Associate Chair’s response to reread request (May 29-June 5)

On May 29, the Associate Chair e-mailed the Student in response to the Student’s e-mail of the previous day. The Associate Chair’s e-mail conveyed three messages:

- First, the Associate Chair informed the Student that the Department “takes allegations of unfair grading seriously,” and had “identified another instructor with expertise in the subject matter to regrade [her] final exam.”
- Second, the Associate Chair noted that “it seem[ed] that this exam grade has deeply affected [the Student’s] wellbeing.” The Associate Chair then provided links to mental health support resources.
- Third, the Associate Chair addressed the Student’s visit to the instructor’s office on May 15. The Associate Chair indicated that the Student “[had] been told to stop contacting [the instructor] regarding this matter,” by the instructor himself, by the UC Registrar, and by the Associate Chair; that the instructor would not be responsible for regrading the Student’s exam; and that the Student therefore had “no reason to continue any contact” with the instructor.

The Associate Chair added:

“Going forward, you are not to have any direct or indirect contact with [the instructor], including but not limited to contact via email, phone, social media, and in-person. Any emails or phone calls to [the instructor] will not be reviewed nor responded to, and if you approach [the instructor], Campus Safety will be contacted.”

(RP, p. 074.)

The Student responded to the Associate Chair on the same day, expressing concern about the substitution of a different instructor for the original course instructor and requesting that the latter regrade her exam; and expressing “shock and hurt” at the suggestion that the Student seek mental health support and at the reference to Campus Safety. (RP, p. 078.)

On May 30, the Associate Chair e-mailed the Student to explain that the reference to mental health supports was in response to emotions the Student had expressed in her May 28 message; and that the reference to Campus Safety had not been intended to “make personal judgements about [the Student’s] character or to suggest that [she was] a threat,” but as a “clear communication to set and enforce boundaries around further contact with [the instructor].” (RP, p. 077.)

On June 5, the Associate Chair e-mailed the Student to advise that the original course instructor was not available to regrade the Student’s exam and that another instructor would be selected to conduct the reread. The Associate Chair assured the Student that her Rationale Document would be made available to the regrader. (RP, p. 077.)

D — Student’s request for Dean’s intervention; regrade request closed (June 10-19)

On June 10, the Student wrote to the Acting Dean, Professor Stephen Wright, to request (i) his intervention in her final exam regrade process and (ii) an apology from the Associate Chair and a “formal review” of the latter’s conduct in sending the May 29 e-mail. (RP, p. 044.)

On June 13, the Acting Vice-Dean, Undergraduate, Professor Don Boyes, responded on behalf of the Acting Dean. He asked the Student to confirm by June 16 that she wished to proceed with a final exam grade in accordance with the pathway offered by the Associate Chair. Because the Student had cc’d the instructor on her June 10 e-mail, the Acting Vice-Dean added that the Student had been repeatedly asked not to communicate with the instructor, and he “urge[d the Student] to stop including [the instructor] in any correspondence and to cease contact.” (RP, p. 044.)

On June 14-17, the Student sent e-mails to the Acting Vice-Dean and Acting Dean, the essence of which was to dispute the Acting Vice-Dean’s authority to respond on behalf of the Acting Dean, and to request a direct response from the Acting Dean. (E-mail from Student to S. Wright, June 14, 2025, RP, p. 082; E-mail from Student to D. Boyes, June 16, 2025, RP, p. 087; E-mail from Student to S. Wright, June 17, 2025, RP, p. 089.)

On June 19, the Acting Vice-Dean wrote to the Student, conveying three messages:

- that the Student had rejected the opportunity offered to her for a regrade of her final exam and that “therefore, [her] final exam [would] not be regraded”;
- that any further consideration of her regrade request must take place through the University-level appeal process; and
- that “should [the Student] approach [the instructor], Campus Safety will be contacted.”

(RP, p. 086.)

The Student now appeals to your Committee.

III — Reasons for decision

A — Jurisdiction of the Academic Appeals Committee

The Academic Appeals Committee (AAC) is a committee of the Governing Council, and has only the powers given to it by the Governing Council, expressly or by necessary implication, in its *Terms of Reference*. Section 2.1 of the AAC’s *Terms of Reference* states that its function is “to hear and determine appeals made by students against decisions of faculty, college or school councils (or committees thereof) in the application of academic regulations and requirements.”

The Division did not dispute the AAC’s jurisdiction to hear and decide an appeal of the decision of the Acting Vice-Dean to terminate consideration of the Student’s request for a reread of her final exam, and your Chair agrees that the AAC does have this jurisdiction. While appeals

typically come to the AAC from divisional appeal committees, the Division's representatives indicated at the hearing that the Acting Vice-Dean's decision represented the final appeal stage within the Faculty of Arts and Science. Your Chair notes that, in Report No. 388 (May 8, 2017), the AAC decided that it had jurisdiction to hear an appeal from a decision of the Associate Dean of the Faculty of Arts and Science regarding the application of an academic regulation, where that decision was not appealable within the Faculty.

However, the Student's request for a letter of apology from various representatives of the Division and Department is beyond the jurisdiction of the AAC. It is well established that the AAC's jurisdiction is limited to determining whether academic regulations and requirements have been applied fairly and reasonably, and that its remedial jurisdiction is limited to making orders of an academic nature. In previous cases, the AAC has consistently stated that it does not have jurisdiction to order the issuance of an apology. (See, for example, Motion Decision No. 359-1 (August 25, 2011), p. 7); Report No. 368 (October 15, 2013), p. 5; Report No. 376 (October 14, 2014), p. 4.)

Accordingly, your Committee's consideration of this appeal proceeds on the basis that the issue to be decided is whether the Acting Vice-Dean's decision to terminate the consideration of the Student's request for a reread of her final exam was fair and reasonable.

B — Request for a re-reading of the Student's exam

The web site of the Faculty Registrar describes the following process for obtaining a final exam reread:

“If you think your exam may have been incorrectly marked, you can request a reread of your final exam. In this case, you must first see your marked exam, either through the purchase of an electronic exam copy or by completing a supervised in-person exam viewing appointment. After you have purchased an exam copy or completed an exam viewing, you can request a final exam reread online through the A&S Online Services website. [...]

To request a reread of a final exam, visit the A&S Online Services website, explain the reason you are requesting a reread and pay the fees. [...]

Once you have successfully submitted the online request and payment, the academic unit and instructor will be given access to the required documents within 3-5 business days. The academic unit will then send your exam to an instructor for rereading. In circumstances where the original instructor is not available, the departmental chair will select an instructor with an equivalent level of knowledge of the subject matter.

After your exam reread has been completed, you will be able to view the results along with any additional comments from the instructor when you log into the A&S Online Services website.”

(Exam Reread & Course Mark Recheck, <https://www.artsci.utoronto.ca/current/faculty-registrar/final-exams/exam-reread-course-mark-recheck>. Website link included in May 29, 2025 email from K. Duncan to Student, (Division’s Response, RP, p. 074.))

1 — Positions of the parties

In connection with her reread request, the main thrust of the Student’s position is (i) that she has complied with all of the procedural steps required to obtain a reread of her final exam grade; and (ii) that she is entitled to have the reread conducted by the original course instructor, because he is not unavailable. (E-mail from Student to S. Wright, Sep. 17, 2025, AP, p. 52 of PDF; Student’s Reply, p. 9 of PDF.)

The Division argues (i) that the original instructor is unavailable; (ii) that the Student was offered an opportunity to “confirm whether she wanted to proceed with the final exam reread option provided to her by the Associate Chair”; and (iii) that the Student’s rejection of the “pathway presented by the Associate Chair” amounts to a rejection of the reread itself. (Division’s Response, RP, p. 013.)

2 — Analysis

Your Committee agrees with the Student that she has complied with all of the steps required to obtain a reread of her final exam grade; however, we do not agree with her that she is entitled to have the reread conducted by the original course instructor. We will discuss the second point first.

(a) Is there an entitlement to have the reread conducted by the original instructor?

The Student argues that an instructor should be considered “available” if the instructor is employed by the Department, actively teaching, and “performing their instructional and academic responsibilities.” (Student’s Reply, pp. 17-18 of PDF.) The Student asks us, in essence, to interpret the exam reread process as conferring a default entitlement on a student to have the original instructor conduct the reread.

Your Committee does not agree with the interpretation put forward by the Student. In our view, the process would have been written differently if the meaning given to it by the Student had been intended. For example, the process states that “the academic unit will send your exam to *an instructor* for rereading” (emphasis added). The reference is to “an instructor,” not “the original instructor.” Nor does the process state that only in the narrow circumstances enumerated by the Student --- such as leave from teaching or cessation of employment --- will a reread be conducted by someone other than the original instructor. Instead, the process uses the term “unavailable,” which is open-ended in its ordinary meaning.

More fundamentally, the fairness of an exam reread does not depend on its being conducted by the original instructor. Rather, it depends on the re-reader’s having expertise in the subject-matter and being provided with the relevant information. While we understand the Student’s concern

that information about what was communicated during classes may be relevant in assessing the fairness and accuracy of the grade she received, the Associate Chair has indicated that the Student's Rationale Document (which makes reference to lecture notes and slides) will be provided to the re-reader. (E-mail from K. Duncan to Student, June 5, 2025, RP, p. 077.)

The Student also points to the instructor's previous expressions of willingness to conduct the reread in support of her submission that he is not "unavailable." (E-mail from Student to S. Wright, Sept. 17, 2025, AP, p. 18 of PDF.) However, we do not have reasons to doubt the Division's statement that the instructor subsequently communicated to the Department that he was unavailable (Division's Response, RP, p. 007). We are reluctant to infer or make assumptions about the reasons for the instructor's unavailability, but we do not find that there are any grounds for calling into question the instructor's good faith.

(b) Was the reread request fairly terminated?

While your Committee does not agree with the Student's interpretation of the reread process, we do not find anything in the record to contradict her claim that she has complied with all of the steps required to initiate the process, including viewing her exam, submitting the reason for her request (her Rationale Document), and paying the required fee.

The Division relies on the Student's failure to respond when asked to confirm her consent to the pathway offered by Associate Chair. (Division's Response, RP, p. 013, par. 46.) However, it does not appear to your Committee that such confirmation is one of the steps required for the initiation of an exam reread, as that process is described on the Division's web site. Nor do we consider that the Student's objections to the pathway outlined by the Associate Chair, or her silence when asked to confirm her consent to a reread by someone other than the original instructor, amount to a withdrawal of her request.

In your Committee's view, the Student has submitted a reread request and not withdrawn it. She is entitled to have her exam reread in accordance with the Division's usual process. To be clear, however, we do not believe that this process entitles her to have the reread conducted by the original instructor; we accept the Division's submission that that instructor is unavailable.

We therefore direct that the Student's final exam be reread in accordance with the Division's process. The Department is entitled to select a faculty member with appropriate expertise.

The Student asks that your Committee impose certain requirements on the manner in which the reread is conducted, "to ensure transparency, fairness and academic accountability" (Student's Reply, p. 3 of PDF). Specifically, the Student asks that we require the re-reader to provide a "detailed written justification"; she further asks that we impose certain constraints on the "evaluative standards" employed by the re-reader, including correspondence with "the exact course content taught," and with "what students were reasonably led to understand" based on the "language of the exam questions" (Id.)

Your Committee does not think it useful or appropriate to specify, in the detailed manner proposed by the Student, how the reread must be conducted. We agree with her that the reread must be conducted fairly. In that regard, we note that the Associate Chair has indicated that the Student's Rationale Document will be provided to the re-reader. We also note that the Division's usual process contemplates that, following a re-read, a student is able to view the results of the reread along with any additional comments from the instructor. Presumably, these comments would include the re-reader's response to the reasons given by the requesting student.

The Student has raised other procedural objections to the challenged decision. She contends, for example, that it was procedurally improper for the Associate Chair to confer, during the reread process, with an Associate Dean who was also a member of the Department and who therefore was "institutionally subordinate to" the Associate Chair (Email from Student to S. Wright, June 10, 2025, AP, p. 8). Another objection advanced by the Student is that the Acting Vice-Dean lacked authority to respond to the Student on behalf of the Acting Dean (E-mail from Student to S. Wright, Sep. 17, 2025, AP, p. 54).

Given our determination that the Student is entitled to have her final exam re-read, it is not strictly necessary for your Committee to discuss these objections. Nevertheless, your Committee wishes to make clear that we do not find merit in them. There is nothing improper about consultation between an Associate Chair and an Associate Dean in connection with a grade review, regardless of whether the Associate Dean is also a member of the Associate Chair's Department; or about an Acting Vice-Dean responding to a student on behalf of an Acting Dean.

C — Further observations

Before concluding, your Committee wishes to add some observations about the manner in which the events giving rise to this appeal have unfolded.

From the record before your Committee, it appears that the course instructor wanted to do his part to ensure that the Student was fairly graded. It also appears that he became uncomfortable with the frequency of the Student's interactions with him about her grades on various deliverables; with the fact that some communications continued after he had already communicated "final decisions" on the matters discussed; and with the fact that some of the interactions took the form of in-person visits to office hours intended for students in other courses, or at the conclusion of classes taught by the instructor in courses in which the Student was not enrolled.

Your Committee accepts that it was legitimate, in the circumstances, for the instructor and the Department to seek to set boundaries.

However, it is also apparent to your Committee that the e-mail sent by the Associate Chair to the Student on May 29 was a turning point. Although we do not doubt that the Associate Chair's e-

mail was well-intentioned, we also understand why the Student found the wording of the portion of the e-mail dealing with contact with the instructor to be objectionable.

At the hearing, the Division's representative acknowledged that there had been a "loss of precision" over time in the Department and Division's descriptions of what the Student had previously been told. For example, the Associate Chair's May 29 e-mail states:

"You have been told to stop contacting Prof. Whissell regarding this matter as you had been informed of the next steps you must take to address the reread of the PSY390 final exam. Prof. Whissell, Ryan Woolfrey and I have requested that you stop contacting Prof. Whissell in different occasions, both in-person and in-writing."

The implication was that the Student had repeatedly disregarded instructions to stop contacting the course instructor. This does not seem to your Committee to be accurate. From the Student's perspective, she had been complying with the instructor's requests that she not contact him further "about her term test" (Jan. 21) or "about her methods quiz" (Jan. 23). On March 27, the Student received e-mailed responses from her instructor regarding her final exam regrade that, as we read them, are supportive and do not communicate that further contact from the Student about the exam was undesired. Nor does the record disclose any significant subsequent communication between the Student and the instructor, apart from one visit by the Student to the instructor's office on May 15.

Your Committee reiterates that it was legitimate for the instructor and Department to set boundaries. Where there has previously been a lack of precision in the communication of boundaries, or where those boundaries have been misinterpreted by a student, it is reasonable to re-articulate those boundaries clearly and precisely. (The final paragraph of the Associate Chair's March 28 e-mail is an example.) However, the May 29 e-mail goes beyond this. In particular, your Committee can understand why the Student would have perceived as inflammatory the borrowing of language from the sanctions provisions (s. E.2) of the *Code of Student Conduct* (December 13, 2019); the reference to means of communication that, as far as we can tell from the record, were never used by the Student (phone, social media); and the reference to Campus Safety.

The Student also objected to the reference to mental health supports in the Associate Chair's May 29 e-mail. Your Committee agrees with the Associate Chair that, given the emotions shared by the Student in her May 28 e-mail, the Associate Chair had a responsibility to ensure that the Student was supported. It may be worth considering whether the effectiveness of the Associate Chair's message of care may have been diminished by the fact that it was a single paragraph communicated alongside a number of other messages, including some that — as described above — were disciplinary in content and tone.

IV — Disposition

The appeal is allowed in part. Specifically, your Committee directs that:

- Unless the Student expressly communicates to the Division that she wishes to withdraw her request for a reread of her final exam, the Division shall arrange for a reread of that exam by an instructor with appropriate expertise, who need not be the original course instructor.
- The material provided to the re-reader shall include the Student's Rationale Document.

As noted above, your Committee does not have jurisdiction to order the issuance of a letter of apology. This aspect of the Student's appeal is therefore dismissed.