

**THE UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL**

Report #354 of the Academic Appeals Committee
April 5, 2011

To the Academic Board
The University of Toronto

Your Committee reports that it held a hearing on Wednesday, March 9, 2011, at which the following members were present:

Professor Emeritus Ralph Scane, Q.C. (Chair)
Professor Elizabeth Smyth
Mr. Olivier Sorin

Secretary: Ms Natalie Ramtahal, Coordinator, Appeals, Discipline and
Faculty Grievances

In Attendance:

For the Student Appellant:

Mr. M.H.R. ("the Student") (Appearing by videoconference)

For the Faculty of Applied Science and Engineering:

Professor Thomas Coyle
Ms Barbara McCann (Registrar)

I. The Appeal

This is an appeal from the decision, dated September 24, 2009, of the Academic Appeals Board ("the Board") of the Faculty of Applied Science and Engineering ("the Faculty"), which dismissed an appeal from a decision of the Committee on Examinations of the Faculty, dated July 27, 2009. That decision dealt with a petition for consideration in two courses, APS105H1 and MAT188H1, both taken in the Winter Term of 2009. As will be discussed subsequently, relief was afforded in the case of the former course, but withheld in the case of the latter course. The Student failed his First Year in the Edward S. Rogers Sr. Department of Electrical and Computer Engineering even with the relief granted. In his appeal document filed with your Committee, the Student broadened his appeal to seek "reinstatement". This was drawn to the attention of the Faculty by your Committee's staff. The Faculty did not object to proceeding on this wider basis, and filed amended response documentation to address this broader remedy. Your Committee decided to consider the appeal on this basis.

II. Background

The Student, whose home is outside North America, entered the B.A.Sc. program of the Faculty in the Fall Term of 2008. His performance in that Term was very weak, even though he was permitted to defer one course to reduce his load. The Student attributed at least some of his poor performance to homesickness, and the cultural differences he faced on coming to this country. The Student was placed on academic probation at the completion of the Fall Term.

The Student was permitted to enroll in the Faculty's "T-Program", which allows students to take or retake courses over the Winter and Summer Terms, to bring themselves to a level which would permit them to proceed into the Second Year of their program. The Student took five courses in the Winter Term, 2009. He appealed one course, APS104H1, in which he received a grade of "D", on the ground that he had been ill with abdominal pain on the day of writing the examination. The petition was denied on the grounds that the Student did not consult a doctor until four days after the examination, and that the medical evidence did not establish grounds for relief. This decision of the Committee on Examinations was not appealed. Nevertheless, in view of the wider relief sought before your Committee, the decision was considered. Your Committee agrees that the medical evidence did not support relief.

Subsequently, the Student petitioned two other courses taken in the Winter Term, APS105H1, written on April 27, 2009, and MAT188H1, written on April 29, 2009. On April 26, 2009, the Student received news of the death of his grandfather, to whom he was very close. The death was unexpected, being the result of an accident. The Student did proceed to write the examinations. The Committee on Examinations accepted the event as justifying the application of the Faculty's standard relief in such cases, the application of the Boocock-Will Formula. This formula examines a student's "closely supervised" term work, the results of the evaluation that is being petitioned and the class averages for each. If the application of the formula gives a mark higher than that actually achieved in the course, this "assessed grade" is substituted for the original mark. If it does not, the original mark is allowed to stand. Application of the formula in the case of APS105H1 did result in an assessed mark, changing the final course mark from 40% to 50%, or D-. However, in the case of MAT188H1, the Formula produced a result less than the original final mark, which therefore stood unchanged. After recalculating his term average following the adjustment in APS105H1, the Student still had an average of only 56.2%, which was insufficient under the Faculty's rules to permit him to continue in the "T-Program" or at all. As a result, his status after the completion of the Winter Term was "Failed – May apply for readmission".

The Student appealed the result in MAT188H1 to the Board. He argued that an error had occurred in applying the Formula in this case, and submitted calculations showing that his term average prior to the final examination was higher than his final average. However, this calculation is not an application of the Formula, as it does not factor in the

relevant class averages. Unfortunately the Board's "decision", which appears to be no more than a general "one-size-fits-all" form for dismissing appeals, did not point this out to the Student.

The Student also again referred to the fact of his grandfather's death, and added the state of his mother's health as a concern affecting his performance. The Board obviously did not weigh these factors as sufficient to alter its decision.

The Student argued that his final course mark in MAT188H1 should not have been left untouched, but raised to compensate for the fact that he had written the final examination while handicapped by his reaction to his grandfather's death, and that it should be assumed that, absent this event, he would have written a better final paper. Your Committee rejects this argument. It would be pure conjecture to pull an arbitrary number of marks out of the air and assign them to this examination, as an alleged measure of the debility under which the Student was labouring. In some cases, students may write examinations under severe strain, and yet surmount the problem and perform well. In some divisions, a student in a similar position might be permitted to write a deferred or supplementary examination, where the mark might or might not be improved. That is not the route offered in the Faculty.

III. Decision

Your Committee considers that the Faculty has applied its rules correctly and fairly in this case, and that this Student has been judged as any other Student in a comparable position would have been. The Faculty has pointed out that if other remedies, such as *aegrotat* standing or permitting withdrawal without academic penalty had been applied to MAT188H1, even though these remedies did not here fall within the usual Faculty guidelines for their application, the Student would have had an even lower term average. MAT188H1 was his second best mark in the term, and applying either of these remedies would withdraw the mark from averaging. The Student did not fail his year because of two examinations written after his grandfather's death. He failed it because of generally poor work over two terms.

The appeal is dismissed.