

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 miscalculation" [and] "show that the alleged miscalculation 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: "0 @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 misevaluation. 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.