

REPORT NUMBER 260 OF THE ACADEMIC APPEALS COMMITTEE

November 29, 2001

To the Academic Board,
University of Toronto

Your Committee reports that it held a hearing on Thursday November 29, 2001, at which the following were present:

Assistant Dean Bonnie Goldberg, Acting Chairperson
Professor Clare Beghtol
Professor Sherwin Desser
Professor Ian McDonald
Ms Geeta Yadav

Mr. Paul Holmes, Judicial Affairs Officer, University of Toronto

In Attendance:

Mr Vaino Poysa, for the appellant, student caseworker, Downtown Legal Services
Ms S.G., the Appellant
Ms Barbara McCann, Registrar, Faculty of Applied Science and Engineering
Professor Raymond Kwong, for the Faculty of Applied Science and Engineering
Professor Andrew Jardine, for the Faculty of Applied Science and Engineering
Ms Margaret Tompsatt, for the Faculty of Applied Science and Engineering

The student appealed the decision, dated November 1, 2000, of the Faculty of Applied Science and Engineering Ombuds Committee confirming a decision, dated September 21, 2000, of the Faculty Registrar, Applied Science and Engineering ("the Faculty"). The Registrar determined that there was no basis on which to alter the assessed grade awarded the appellant in MIE262 taken in the 2000 Winter Session.

The appellant enrolled in Mechanical Engineering 262 - Operational Research I ("the course") in the Winter 2000 term. The evaluation in the course was comprised of the first midterm (worth 25% of the final grade), the second midterm (worth 25% of the final grade) and the final examination (worth 50% of the final grade).

The Appellant obtained a grade of 94% on the first midterm (the class average was 88%) and 48% on the second midterm (the class average was 69%). This was the second time the appellant took MIE262, having obtained a grade of 50% in Winter 1999.

On April 12, 2000, the appellant experienced what was later diagnosed as the flu. She wrote the examination on April 13th anyway, and performed very poorly. Accordingly, on July 13, 2000, the appellant submitted a Petition for Consideration in Final Examination

Report Number 260 of the Academic Appeals Committee

for the course. On September 11, 2000, the Faculty Registrar notified the appellant that her petition had been granted for medical reasons, and that she would be awarded an assessed mark based on her session work performance. The Appellant was assessed a mark of 59% in the course. On September 21st, the Appellant received a second letter from the Registrar stating:

Please be advised that the Committee on Examinations has now reviewed your request to re-examine the assessed grade in MIE262 taken this past Winter Session. The Committee has decided that there is no academic basis to award an enhanced grade for this course. Instructor assessments continue to be very important in determining the appropriate grade to be assessed in an exam.

The Faculty does not offer students the ability to write supplemental, or make-up examinations when a student is unable to write a final examination, or circumstances beyond the student's control adversely affect the student's performance. Rather, the Faculty uses a "Term Work Report" which states that to make the necessary assessment of the student's performance on the final grade, the Committee on Examinations requests information about the student's term work and any additional information from the professor. The Report includes a table with information about the Final Examination, Closely Supervised Term Work, Term Work Not Closely Supervised, and class averages for each category. When the student performs poorly on the final exam for valid reasons, the Report states that the Committee "often infers a candidate's final course mark" using a formula.

To arrive at a decision in the appellant's case, the Committee on Examinations had requested and received a Report back from the instructor with his recommended grade, and indicating that he used only one of the student's midterm tests to determine her assessed grade. The instructor reported that the first midterm was "easy". Professor Andrew Jardine wrote

My best estimate is that the student's performance in the final exam would be reflected by the performance in my second midterm test i.e. there she [received] 70% of the class average [therefore] for final exam she "should" have received 70% of 32, i.e. 23 rather than 16. Her final mark would then be 58.5%.

The Term Work Report filled out by Professor Jardine on behalf of the appellant did not use the "inferred mark" formula suggested by the Faculty for these particular cases.

The appellant's cumulative average for the term fell below the required minimum of 60%, and she was refused further registration in the Faculty. In addition to the 59% in the course in question, the appellant's grades for the term were all in the C to F range.

The Appellant appealed to the Faculty's Ombuds Committee, and her petition was considered in meetings on October 19th and 27th, 2000. The Appellant argued that the re-assessment was not fair as it had included only one of her midterm tests, not both, although both were of equal value. The Appellant was told that the professor considered

Report Number 260 of the Academic Appeals Committee

the class average on the first midterm “too high” and instead compared the student’s performance on the second midterm against that of the class average. The Appellant requested that both midterms be used to assess her final examination grade. The Ombuds Committee declined to refer her petition back to the Committee on Examinations for a review and determined that:

- a) The Committee on Examinations considered in proper depth all aspects of the incidents and events which form the basis of your petition, including the assessed mark in course MIE 262.
- b) Their consideration of your academic status was equitable and fair.

The Appellant appealed the Ombuds Committee’s decision to Your Committee. The Appellant argued that not using the first midterm in her assessed grade meant the assessed grade failed to accurately reflect her ability in the course. The Appellant also contended that the drastic impact of the assessed grade – that the appellant could not continue in her program – demonstrated that when coming to its decision the Committee did not consider the totality of the student’s circumstances.

The Faculty argued that their Committee was guided by the instructor’s assessment of how this student would have performed in the final examination if she had not been ill. The Faculty acknowledged that the Committee often uses the formula to arrive at an assessed mark for a student. The Faculty noted that this formula is a guideline and the Committee continues to request an instructor’s own assessment of an appropriate grade for students who miss a final exam. In this case, the instructor notified the Committee that it was appropriate to include only the second term test in the calculations which was a better match to the performance in the final exam. There was no use of the formula in this particular case.

This case turns on whether the first midterm should have counted in the student’s assessed mark, and whether the Faculty erred in the procedure it used to determine the grade. In our opinion, there was no compelling argument made by the Faculty as to why it did not use the first midterm in the assessed grade or why it did not use the formula outlined in the Term Work Report.

Your Committee heard new evidence about the composition of the final examination. We learned that one-fifth of the exam was based on material covered by the first term test, two-fifths of the exam was based on material covered by the second term test, and two-fifths of the exam dealt with “new material.” Thus, the student was assessed a grade for an exam which included information from the first test, but the assessed grade did not take into account the student’s performance on the first test.

Your Committee concurs with the Faculty opinion that the Committee on Examinations should not ignore a professor’s impressions of the appropriate grade for a student. However, if the Faculty is going to offer assessed or inferred grades rather than supplemental exams, the Term Work Report should be used in its entirety and the full consequences of the assessed grade should be considered more closely. Your Committee

Report Number 260 of the Academic Appeals Committee

heard that Professor Jardine's initial assessment was made by an "eyeball" analysis, followed by a more "careful" analysis, and then he did an analysis of the correlative relationship between the midterms to the final grade (based on the class results as a whole) to "confirm" his initial assessment.

The Committee on Examination's faith in the instructor's comments that the second test results more closely correlated with the final examination is not a sufficient reason to break from established and expected practice. An assessment that assumes so much about a student's performance, and which has such a drastic result is problematic. If the Faculty wishes to employ a system that infers marks, it must be cognizant that it cannot do so in an opaque manner. The Faculty accepted the student's petition that she was ill, and yet awarded her an assessed grade that in the end was punitive.

In deciding to allow the appeal, Your Committee must find a remedy that is equitable and fair. The Appellant offered three possible remedies:

- a) an assessed exam grade based on all closely supervised term work
- b) an assessed exam grade based on the formula outlined in the Term Work Report
- c) an assessed exam grade that accords some import to the first of the two tests.

After much deliberation about the feasibility of the three remedies, Your Committee holds that in allowing the appeal, the Faculty must award the appellant an assessed exam grade based on the formula outlined in the Term Work Report. This formula, while complicated and mechanistic, is the formula suggested by the Faculty to provide additional information in these situations, and we found no compelling argument by the Faculty as to why it was not employed in this situation. Our rough analysis of the formula awarded the student an inferred mark that appears to allow the student to re-enter the program. However we leave it to the Faculty to do the proper analysis using the formula and to use this result to form the basis of the re-assessed grade. Although valuable, the instructor's comment should not form the basis of the assessment. We regret that this student's performance throughout her academic career has been marginal at best, and recognize that she may still face difficulty in obtaining the required 60% average each term to remain in the program.

The Appellant should not be penalized because an instructor gives an examination which he later considers too easy. The Faculty must be held to its own test as set out in the Term Work Report, although Your Committee is critical of its mechanistic nature (even with the addition of instructor comments), and its underlying premise that student's should receive assessed or inferred examinations rather than supplemental or make-up examinations.

The appeal is allowed.

December 19, 2001