

**UNIVERSITY OF TORONTO
GOVERNING COUNCIL**

Report #321 of the Academic Appeals Committee
February 19, 2008

To: The Academic Board,
University of Toronto

Your Committee reports that it held a hearing on Monday December 10, 2007, at which the following members were present:

Professor L. Sossin (Chair)
Mr. Ken Davy (Student)
Professor Ellen Hodnett
Professor Joel Kirsh
Professor Louise Lemieux-Charles

Ms. Nancy Smart, Judicial Affairs Officer

Appearances:

For the Student Appellant:
Mr. J.V. (the Student)

For the Graduate Department of Architecture, Landscape and Design:
Professor J. Danahy
Professor E. Kesik

The Appeal

This is an appeal from a decision the Graduate Academic Appeals Board (“GAAB”) dated April 2, 2007, dismissing an appeal of the Student from a decision of Professor George Baird, Dean of the Faculty of Architecture, Landscape and Design, dated August 4, 2006, dismissing an appeal by the Student from a grade of B- in the course LAN1011Y taken in the Fall term of 2005, and from a grade of B in the course LAN1032H, taken in the Winter term of 2006. The Dean was acting upon and confirming the recommendation of the departmental Graduate Academic Appeals Committee.

Facts

The Student enrolled in the M.L.A. programme of the Graduate Department in the Fall Term of 2005. This is a three year program. He had previously received a degree in Forestry from a university outside of Canada. In addition to the grades under appeal, he received grades of B+, B+ and B in half-courses taken in the Fall term of 2005, and A- in a quarter-credit course in that term. In the Winter term of 2006, he received a grade of B in a full course, grades of A- and B in half-courses, and B+ in a quarter-credit course. He entered the second year of his programme in good standing.

Previous Decisions

The grounds for the Student's appeal relate to bias on the part of Professor North, who was a co-instructor in LAN1011Y, and the instructor in LAN1032H. The Student disputed a failing grade of 50% which had been assigned to the class participation mark, worth 5% of the total course mark, and a B grade in the fourth assignment worth 40% of the of the total course mark, in LAN 1011Y. Finally, the Student believed that, calculated properly, his grade in the course should have been a B and not a B- as indicated on his transcript.

GAAB accepted Professor North's explanation that she assigned this class participation mark because the Student missed some important Monday morning class discussions, and was not a vigorous participant in class discussions generally. The Student stated that he attended all of his classes and did participate actively. He also claimed that in his notebook he had dated all lectures. Professor North stated that she did not make a written record of attendance in her classes. GAAB split on this issue, with a majority concluding that the instructor's recollection was sufficient for the purposes of the participation grade, but a minority of the Board taking the position that in fairness to students and in the spirit of the grading policy of SGS, instructors should maintain a written record of attendance in courses which have a class participation component in the evaluation scheme, and that, absent that record, the student's version should be accepted, if there is no good reason to reject the student's version. This Committee upholds the majority view of GAAB. The Design Studio is a small, "hands-on" teaching environment and there is no basis to question Professor North's overall assessment of the Student's participation.

As for the Student's claim that his grade in LAN1011Y should have been a B rather than B-, it is important to restate the grades assigned to the various aspects of the course: (the percentage of the total course mark for the assignment is given in brackets): B- (15%); A (10%); B- (25%); B (40%); B (5%) and FZ (5%).

In translating these letter grades into numerical grades for establishing a final grade, Professor North stated that she started off by assigning the minimum numerical grade for the letter grade mark. She sometimes assigned a higher numerical mark than the minimum to individual students if she considered that the student's work justified this, but this was not the case with respect to the Student. Using the basis of calculation employed by Professor North, the Board agrees that the final grade would be B-, as assigned to the Student. Again, GAAB split on this point. The minority of the Board considered that in fairness the mid-point rather than the minimum point in the approved scale should be used as the starting point, unless the minimum or some other point has been stated in the course outline or otherwise at the commencement of the course. The majority of the Board found that Professor North was consistent in using the minimum numerical grade in the range in starting her calculations This Committee agrees with the majority of GAAB that the issue here is one of consistency and equity to all students. If the same grading scheme was applied to all students, and was not contrary to any information provided to students, then no unfairness could arise in relation to the Student.

Finally, with respect to bias on the part of Professor North, GAAB held as follows:

We could not discern any hostility between the Student and Professor North at the hearing, in either direction, and could see no reason for her to seek to downgrade the Student for other than legitimate academic reasons. The Student believes that Professor

North assigned him to a group of other students who were antagonistic towards him, for a group project. Professor North explained that she arbitrarily made up the working groups on the basis of where students had seated themselves in the studio. She denied the Student's perception that throughout the course, she deliberately devoted more time to some students at the expense of others, and particularly at the expense of the Student. The Student stated that he did not believe racism on the part of Professor North played any part in his complaints concerning her treatment of him. In summary, the Board unanimously finds that there is no basis for concluding that any improper considerations influenced Professor North's evaluation of his work.

Decision

This Committee agrees with this conclusion. Clearly the Student strongly believes he has been treated unfairly, but there is no credible basis for that view in the evidence presented.

The appeal is dismissed.

Professor Lorne Sossin, Chair