

REPORT NUMBER 24 OF THE SUBCOMMITTEE ON ACADEMIC APPEALS

April 6th & 21st, 1976

To the Academic Affairs Committee,
University of Toronto.

Your Subcommittee reports that it held meetings on April 6th and 21st, 1976, at 4:00 p.n., in the Council Chamber, Faculty of Pharmacy, 19 Russell Street, at which the following were present:

Professor J.B. Dunlop (In the Chair)
Mrs. M.A. Barten
Professor J.M. Bliss
Professor V.E. Graham

Professor A.M. Hunt
Mrs. Marija Hutchinson
Professor J.A. Sawyer
Mr. Byron E. Wall
Miss M. Salter (Secretary)

In Attendance:

Professor R. H. Farquharson
Associate Dean
Faculty of Arts and Science

Mr. *W.S.* and Counsel
Mr. Fred Sharp
Students' Legal Aid Society

Professor H. C. Eastman
Chairman,
Department of Political Economy

Mr. *S.*

Professor J. D. King
Associate Dean
Scarborough College

THE FOLLOWING ITEMS ARE REPORTED FOR INFORMATION

THE MEETING WAS HELD IN OPEN SESSION

1. Mr. *W.S.*

In the spring of 1975 the Committee on Academic Standards of the Faculty of Arts and Science decided, according to a letter from W. D. Foulds, Assistant Dean and Secretary, dated May 31st, 1975 that the grades submitted by Professor James Eayrs and the Department of Political Economy in two courses, POL 208, and POL 312, should not be approved because "the percentage of A grades in these two courses (41.0% and 50.6%) was inconsistent with the general grading standards and practice in the Department and in the Faculty". In response to this decision the Department altered a number of grades. Specifically, all marks of 80 were reduced to 79. No other marks were changed. The result, in the case of POL 312, was that 19 out of the 40 A's assigned by Professor Eayrs were reduced to B's. The percentage of A's was reduced to 26.3. The class average was reduced by about one quarter of one percent, although it remained more than five points above the departmental and faculty average.

The appellant was one of the POL 312 students whose mark of 80 was reduced to 79. He appealed directly to the Subcommittee because the decision from which he was appealing had been made by the body to which he would ordinarily have had recourse in the Faculty. The appeal was heard on April 7th, 1976.

The decision of the Subcommittee is that the appeal should be allowed and Mr. *W.S.* should be given a final mark of 80 in POL 312.

In reaching this conclusion the Subcommittee does not deny the jurisdiction of the Committee on Academic Standards over marking standards within the Faculty. By s.70(1) (d) of the University of Toronto Act, 1947, continued in force by s. 9(1) of the University of Toronto Act, 1971, the Faculty Council has the authority to appoint examiners, conduct examinations and determine the results. It may be presumed, at least for the purpose of this decision, that the relevant authority was delegated to the Committee on Academic Standards. Thus if it be established that standards are not being observed, authority to take remedial action exists. It is the Subcommittee's view, however, that the Committee was not entitled to conclude on the basis

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of the evidence before it that standards were not being met, nor it was it entitled to remedy the situation in an arbitrary and discriminatory way.

It may be fair to wonder why any given results are as they are, but the premise must be that an appointed examiner is competent and the method of evaluation appropriate. The onus is not on the examiner to show that standards have been met. Remedial measures are only justified when it is clear that standards have not been met. The fact that a teacher's grades in a particular course in a particular year depart from the departmental or faculty average - even to the extent to 5 or 6 points - and that a high proportion of them are A's does not lead to the conclusion that the teacher is failing to observe standards. When the teacher explains the results, as Professor Eayrs did, evidently to the satisfaction of the Department which submitted his marks, the presumption of propriety is strengthened, not weakened.

The Subcommittee would hesitate to undertake an exhaustive catalogue of the ways in which departure from standards could be satisfactorily determined. Where suspicions have been aroused by consistent variations from the norm consideration could certainly be given to having examination papers reviewed by an outside expert. Perhaps a teacher's marking pattern could be sufficiently and consistently singular so that more than a mere suspicion would be raised. Neither type of evidence was presented in this case.

As to the nature of the remedy that may be adopted, when one is justified, the Subcommittee feels bound to observe that it must be even handed and not discriminatory. While it may be urged that this reduction of one mark, even though discriminatory, is trifling, the argument is less persuasive where the mark makes a difference between an A and a B. Whether this should be considered significant or not, in the view of the Subcommittee it is widely regarded as significant and must be so treated.

Although Mr. W. was the only student to bring an appeal to the Subcommittee, the reasoning in his case would seem relevant to the situations of other students in these courses as well.

YOUR SUBCOMMITTEE AGREED

THAT the appeal of Mr. W. should be allowed and that he should be given a final mark of 80 in POL 312.

2. Mr. S.

(SEE REPORT #10) Mr. S. On July 29th, 1975 the Subcommittee heard an appeal by Mr. S. against a decision by the Subcommittee on Standing at Scarborough College. Mr. S. sought relief in respect of a D grade achieved in ANT 220 which affected an otherwise excellent record for the year 1974-75 (3 As and 1 B). He had written the examination under adverse circumstances involving suspected serious illness of his mother. The Subcommittee upheld the decision of the Subcommittee on Standing, noting that Mr. S. had not petitioned prior to the end of the examination period and had not presented any evidence explaining his failure in this regard.

Subsequently Dean King, who had not been able to be present wrote to the Subcommittee as follows:

"The appeal of Mr. S. to your Subcommittee was heard on Tuesday, July 29th, 1975, at a time when I was on vacation and could not appear before the Subcommittee as I normally do when an appeal from a Scarborough student is being heard; therefore I was unaware of the fact that the Subcommittee was concerned that Mr. S.'s petition had not been presented to the Scarborough College Subcommittee on Standing before the end of the examination period. Mr. S. brought this to my attention only very recently.

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2. Mr. S. (Cont'd)

If this indeed is the only reason for the Subcommittee refusing the appeal of Mr. S, then I would ask that the Subcommittee reconsider its decision, since Mr. S did see me before the end of the examination period. We did discuss the possibility of a petition, as I recorded on a 'File Note' but, as I recall the conversation, I advised him to see the Departmental Chairman first before entering a petition. The Scarborough College Subcommittee on Standing is satisfied if a student has sought advice concerning a petition within the rules, even if the petition is not entered until after a deadline."

The Subcommittee reconsidered its decision at a meeting on April 6th, 1976 and decided that Mr. S's request to have ANT 220 shown on his transcript as a "Pass" should be granted.

YOUR SUBCOMMITTEE AGREED

THAT the appeal of Mr. S against a decision by the Subcommittee on Standing of Scarborough College be allowed and that his request to have ANT 220 shown on his transcript as a "Pass" should be granted.

The meetings adjourned at 6:15 p.m. and 4:45 p.m. respectively.

Secretary
April 30th, 1976

Chairman

