

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 50 OF THE ACADEMIC APPEALS BOARD

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a meeting on Friday, March 30th, 1979 at 2:30 p.m. in the Council Chamber, Galbraith Building, at which the following were present:

Professor J.B. Dunlop (In the Chair)
Ms. Beverley A. Batten
Professor W.E. Grasham
Dean John C. Ricker

Professor Victor G. Smith
Mr. Mark K. Wax
Miss M. Salter, Secretary

In Attendance:

Mr. S.
and Counsel, Ms. Christine Mauro

Professor J.R. Webster
Faculty of Arts and Science

Mr. W.D. Foulds
Assistant Dean and Secretary
Faculty of Arts and Science

THE MEETING WAS HELD IN CLOSED SESSION

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

1. Mr. S.

At a meeting on Friday, March 30th, 1979 the Academic Appeals Board heard the appeal of Mr. S. against a decision of the Academic Appeals Board of the Faculty of Arts and Science dismissing an appeal from the refusal of the appellant's petition to have his failing result in PSY 301S, taken in the summer of 1977, deleted from his record. The decision of the Board is that the appeal should be allowed.

The final grade for PSY 301S was determined on the basis of two term tests. On the first test the appellant obtained 39%. When he wrote the second test, however, he was convinced he had done well and was surprised when the final mark in the course, communicated to him late in September 1977, was 48%.

In January 1978 the appellant applied for a clerical re-check under the rules of the Faculty. The course was one with no faculty final examination and therefore the prevailing rule was as follows:

Within the period specified above a student may request to have a clerical check of his marks made upon payment of a \$5 fee to cover costs. If an error is discovered and the mark changed upwards, the fee will be refunded.

The "period specified" is a period of six months. The Academic Appeals Board of the Faculty held that the rule had the effect of requiring instructors to keep for six months any term work not returned to students. This Board agrees with the interpretation. A clerical check involves examination of the term tests as well as the Faculty's records.

The instructor had testified at the hearing by the Appeals Board of the Faculty that she had read a second time every test paper which resulted in a failing grade, in accordance with faculty policy, to ensure that no error was made in the assessment. She testified that all computations

REPORT NUMBER 50 OF THE ACADEMIC APPEALS BOARD - March 30th, 1979

1. Mr. S, (Cont'd)

were correct. On the basis of this evidence the Faculty's Board stated that

Since the test paper in question was destroyed, it cannot be examined to settle without any doubt the instructor's contention that no error in grading or in computation was made. On the other hand, the Appeals Board is convinced beyond reasonable doubt that the instructor did in fact take proper steps to ensure that the final grade was calculated and reported correctly, and therefore it is of the opinion that no substantial injustice has been done as a result of the procedural lapse which has occurred.

With respect, this Board takes a somewhat different view. The right in question is a significant one and justice is not seen to be done if it can be abridged in every case where the instructor or the administrative authorities testify that no error in grading or computation was made: something which the student is powerless to contradict. One casts no aspersions on the sincerity of the instructor or administrative authority in saying this.

It was also pointed out that the appellant had the opportunity to examine his test paper during the late summer and autumn of 1977 but did not avail himself of that opportunity. While this may show a certain tendency on the part of the appellant to procrastinate it does not change the rule under which he was entitled to wait up to six months before pursuing his limited right of review. The Appeals Board of the Faculty concluded that "justice would not be served by deleting PSY 301S from your record simply and solely because the final test paper cannot be produced." In this Board's opinion, as already indicated, there is more to it than that. Hence PSY 301S should be deleted from the appellant's record.

Appeal allowed.

Secretary
May 2nd, 1979

Chairman