

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 51 OF THE ACADEMIC APPEALS BOARD

June 14th, 1979

To the Academic Affairs Committee,  
University of Toronto.

Your Board reports that it held a meeting on Thursday, June 14th, 1979, at 10:00 a.m., in the Dean's Conference Room, Medical Sciences Building, at which the following were present:

Professor J.B. Dunlop (In the Chair)	Professor Peter H. Salus
Ms. Beverley A. Batten	Professor Victor G. Smith
Professor A.M. Hunt	Miss Marie Salter, Secretary
Dean John C. Ricker	

In Attendance:

Mrs. S.  
represented by Mr. B. Anderson

Professor S.D. Berkowitz  
Department of Sociology

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

Professor J.R. Webster  
Associate Dean  
Faculty of Arts and Science

Miss J.  
represented by Mr. David Gamble

Professor A.J. Rouse  
Faculty of Nursing

THE MEETING WAS HELD IN CLOSED SESSION

THE FOLLOWING ITEMS ARE REPORTED FOR INFORMATION

1. Mrs. S.

On Thursday, June 14th, 1979, the Academic Appeals Board heard the appeal of MRS. S. against a decision of the Academic Appeals Board of the Faculty of Arts and Science dismissing an appeal in which the appellant sought permission to submit further work or to be re-examined in SOC 314Y. The decision of the Board is that the appeal should be allowed and that the appellant should be entitled to be re-examined in such reasonable manner as the Department of Sociology may determine.

Initially the appellant had petitioned to have her work in the course re-read and re-marked or, alternatively, to be re-examined. The Department recommended her re-examination but the Committee on Standing authorized the Department to re-read the work already done. This re-reading took place with no change in the assessment.

On the appeal to the Appeals Board of the Faculty, in the words of that Board's letter to the appellant,

The main focus of your case, as contained in your written statement of 20 November 1978 and as presented by Mr. Vine in his opening remarks to the Appeals Board, was that "my term paper was not handed back to me prior to the final examination, and neither the final examination paper nor the term essay were returned to me before the end of term." This in your opinion constituted "inadequate guidance" on the part of the instructor, Professor S.D. Berkowitz, and as a consequence your performance in the course was adversely affected.

REPORT NUMBER 51 OF THE ACADEMIC APPEALS BOARD - June 14th, 19791. Mrs. S. (Cont'd)

The Appeals Board of the Faculty considered the evidence and the argument and came to the conclusion that, because of the time at which her paper was handed in, it would not have been possible for it to be handed back before the test in the course and that constructive criticism of the paper could not, therefore, have been of any value to the appellant on the final test. In any event the Faculty's Board found that the final test was considerably different in nature from the term paper and that criticism of the paper would not have benefited the appellant materially in her preparation for the test.

The Faculty Board did criticize Professor Berkowitz in the following terms:

There remains the question of whether Professor Berkowitz, in not requiring any written work, which would be graded, in the first term or indeed prior to very near the end of the course, failed thereby to give you -- and presumably everyone else in the course -- adequate guidance. The majority of the members of the Appeal Board are of the opinion that Professor Berkowitz was seriously remiss in this aspect of his conduct of the course.

The Faculty's Appeals Board did not feel, however, that this had contributed significantly to the appellant's poor performance.

In essence, what is involved in this complaint is a failure by Professor Berkowitz to comply with the Grading Practices Policy and Professor Berkowitz appeared before this Board to complain that the criticism of his course of conduct suggested that his behaviour was unusual whereas, he stated, this particular pattern of grading practice was common in the Department. He felt that he should not have been singled out in this way for criticism, or that he should at least have had a chance to address the issue.

This Board is sympathetic with Professor Berkowitz's point although, just as it seemed he had no opportunity to respond to the point before the Faculty's Board, neither had the Department an opportunity to respond to his position before this Board. However, the important point insofar as the disposition of this appeal is concerned is that the Grading Practices Policy was not followed and no justification was offered. The Faculty Board's point that even if it had been it would not have changed the result of the appellant's final test, as this Board has recently held, should not be decisive because it can still be said that justice is not seen to be done. Some weight should also be given to the Department's initial recommendation which seems to have been lost sight of in some of the proceedings. The Faculty argued that it would be unfair to other students to allow the appellant alone to be re-examined at such a late date. The Faculty also argued that it would be unfair to other students who had not petitioned. The Board, however, can only grant relief to students who appeal and the fact that others might have appealed but did not cannot be allowed to influence the outcome of this appeal.

Appeal allowed.

2. Miss J.

At a meeting on Thursday, June 14th, 1979, the Academic Appeals Board heard the appeal of Miss J. against a decision of the Appeals Committee of the Faculty of Nursing dismissing an appeal against a negative evaluation in NUR 202Y in the spring term of 1979. As the appellant had obtained standing in the fall term in NUR 202Y, the result of the negative assessment, according to Faculty regulations, was that the appellant was required to take a supplemental examination. Because

REPORT NUMBER 51 OF THE ACADEMIC APPEALS BOARD - June 14th, 19792. Miss J. (Cont'd)

NUR 202Y is a clinical course involving application of theory to practice and is assessed on a global basis the supplemental involves two weeks of work on the student's part rather than a written examination. The remedy sought by the appellant was a passing grade or, in the alternative, the right to be assessed on written assignments not involving the need for clinical work. The decision of the Board is that the appeal should be dismissed.

There were essentially two grounds of appeal. First, the appellant argued that the method of assessment in the course did not comply with the requirements of the University's Grading Practices Policy. The complete answer to this argument is that approval of the departure had been obtained from the Academic Affairs Committee on the basis that the Policy was not appropriate for the assessment of clinical work. The second ground was that the appellant had not been kept adequately informed of her progress so as to be in a position to correct her mistakes during the term. In light of evidence that some critical comment had been forthcoming, and that the appellant had not handed in assignments in time for remedial comment upon them to be made before the end of the course, the Board was not persuaded of the validity of this ground of appeal. In any event, the Board would have had no basis for determining that the appellant ought to be granted a pass grade. The best that the Board can offer by way of remedy where it cannot say that an appellant should have passed is that the appellant should be granted another opportunity to be assessed and this is the very remedy that the Faculty itself is offering.

It is unfortunate that the appellant's summer employment will be affected by this decision. However, this cannot interfere with the appellant's need to demonstrate her ability to meet the requirements of this clinical course.

Appeal dismissed.

Secretary  
July 17th, 1979

Chairman

