

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 54 OF THE ACADEMIC APPEALS BOARD

November 13th, 1979

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a meeting on Tuesday, November 13th, 1979 at 2:00 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 Marie Salter, Secretary

In Attendance:

Mr. L.
and counsel Mr. Wayne Bumstead,
Toronto Community Legal Assistance
Services

Dean G.S. Ciamaga
Faculty of Music

Miss A. Pyer
Assistant Dean (Administration)
Faculty of Music

THE MEETING WAS HELD IN CLOSED SESSION

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

1. Mr. L.

At a meeting on November 13th, 1979 the Academic Appeals Board heard the appeal of Mr. L. against a decision of the Academic Appeals Committee of the Faculty of Music denying his petition to have his grade of 74% (B) in TMU202Y increased to 80% (A). The decision of the Board is that the appeal should be allowed, but that the grade should be calculated as described hereafter.

The appellant took the course, Basic Musicianship, in the academic year 1977-78. It was one of three full year and seven half year courses and was the only one in which he got a grade below A. His overall average for the year was 84.7. He is now in a Masters programme in the Faculty.

Two grounds of appeal were advanced: failure of the instructor to conform to the Grading Practices Policy of the University and unfairness in the individual evaluation of the appellant.

The general outline of the course issued by the instructor contained the following reference to grading.

3. Grading: in two parts - ear training tests, which are written in class time, and sight singing tests done individually in class time. There will be one major test in ear training and one in sight singing each term, and class work will occasionally be graded. There will also be a written exam in class time and a sight singing exam in the exam timetable. These marks will be averaged to make up your grade.
4. Assignments: will be given weekly. If an assignment is not mentioned in class, check my office door. They will be posted.

1. Mr. L.

(Cont'd)

The appellant testified that he had missed only one class, that he had done all the assignments, that he had participated in the class and that none of his assignments or term tests received a grade as low as 74%. Indeed, it would appear that he possessed an A average on such work. The appellant was, needless to say, surprised to receive a grade of 74%. The appellant met with the instructor to discuss this grade and was informed that there had been a 15% component referred to as "class participation" or "personal evaluation". The appellant had received a zero for this component. The appellant thought that the reason for it was what one might call a personality conflict between himself and the instructor.

The Board was distinctly surprised that a student whose work was in other respects so good could be rated so low on one component. The Board was astonished to learn that the mark review process of the Faculty did not result in an inquiry into such a discrepancy. The Faculty did not investigate the issue until the appellant launched his appeal. The basis on which the Board has determined to allow the appeal, however, is the failure of the instructor in this course to abide by the requirements of the Grading Practices Policy. As the Board interprets the general course outline no provision was made for a component of the sort at issue here. There was hearsay evidence that the instructor had, on a prior occasion, asserted that she had announced the fact of a personal evaluation component to the class orally but the appellant has no recollection of such an event. In light of the fact that such an announcement would be inconsistent with the printed course outline the Board is of the view that the instructor did not satisfy the requirements of the Grading Practices Policy applicable in 1977-78, the relevant provisions of which are as follows:

5. As early as possible in each course (and no later than the final date to add or drop the course), the instructor shall make available to each student the particulars of the method of evaluation to be used for that course. It is understood that this method shall be in accord with applicable university and divisional policies.
6. Once the weight for different assessments within the method of evaluation to be used is explicitly given it may not normally be changed without the majority consent of all students taking the course who are present and voting at a regularly scheduled meeting of the class at which the issue is raised.

If the Grading Practices Policy is to be more than a pious hope, students who may have been affected detrimentally by failure to adhere to it must be able to obtain appropriate relief.

Any grade substituted for the one assigned by the instructor is bound to be, in cases such as this one, in some measure arbitrary. The view that the Board takes is that an appropriate solution would be to grant the appellant a grade corresponding to the average of his other work in the course, which would appear to be in accordance with the method of evaluation described in the course outline. Since the appellant received no marks for the personal assessment component his grade of 74 is out of a possible 85 which, in percentage terms, is roughly 87.

The appellant's transcript should therefore show a grade of A for the course.

Appeal allowed.

Secretary
December 21st, 1979

Chairman