

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 65 OF THE ACADEMIC APPEALS BOARD

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a meeting on Tuesday, June 23rd, 1981, at 2:30 p.m. in the Council Chamber, Faculty of Pharmacy, at which the following were present:

Professor J.B. Dunlop (In the Chair)
Ms. Beverley A. Batten
Professor Ernest G. Clarke
Dean John C. Ricker

Mr. Thomas H. Simpson
Professor Victor G. Smith
Miss M. Salter, Secretary

In Attendance:

Mr. H.

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

Professor J.M. Estes
Department of History

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. H.

At a meeting on June 23rd, 1981 the Academic Appeals Board heard the appeal of Mr. H. from a decision of the Academic Appeals Board of the Faculty of Arts and Science refusing his request that written work in HIS 340Y be remarked by a second reader. The written work consisted of two term essays and a final examination. The appellant's final mark for the course was 72. The appellant believed that his work was worth a B+ or A- grade. The decision of the Board is that the appeal should be dismissed.

There is, of course, no provision in the regulations of the Faculty of Arts and Science for remarking by a second reader. Indeed, the position taken by the Faculty is that a second reader could not grade the paper equitably because (1) the second reader would not know how the course was conducted, what aspects had been emphasized and what, therefore, could be expected of the student in the course and (2) without reading the other papers submitted in the same course the second reader would not possess the appropriate comparative viewpoint. Undoubtedly these can be formidable obstacles although it is also possible to make too much of them. The problem, for example, becomes less difficult where a second reader is asked not to grade the paper but to say whether or not the grade already awarded is unreasonable. It should, however, be added that a right to an automatic second reading by another individual could impose a considerable burden on the resources of a division. In any event, the appellant was not entitled as of right to a second reading.

What the appellant was entitled to do was petition concerning his grade and proceed through the divisional and University appeal system. According to s.14 of the Governing Council's Guidelines for Academic Appeals within divisions his task was to give the Divisional Committee "reason to believe that a significant error might have been made" so that they would have grounds for referring the work to "one or more experts in the field of study concerned whose opinion should be considered by the Divisional Committee in deciding whether to allow the appeal". The Faculty's Board found

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the wording of s.14 "extremely unclear and imprecise", especially the clause "if the Divisional Committee should have reason to believe that a significant error might have been made" which evidently means that in the absence of an explicit list of reasons the Faculty's Board is not sure it would recognize a good one if it saw it. In less flippant vein, it should perhaps be observed that while a guideline which contained an exhaustive list of reasons might be easier to understand and apply it would also leave less room for the exercise of judgment by committees which have a feel, as the Faculty's Board does, for what it refers to as the "general principles and fundamental assumptions underlying undergraduate education," in various fields. While a list of reasons developed adjudicatively can remain flexibly open ended, adding to a list that has been legislatively stipulated is a much more cumbersome process.

This Board endorses the Faculty Board's view that the authority of an instructor's academic judgment is not absolute, but only presumptive and that reasonable grounds to suspect a significant error might arise from the following sorts of evidence: a) personal bias against a student, or against a student's views; b) unreasonable refusal to discuss and explain an evaluation, or to provide written comments; c) evidence that an evaluation represents a substantial anomaly in relation to the performance of the student in other courses without apparent cause; d) arbitrary, unexplained changes in the evaluation practice of the instructor; e) anomalies in the evaluation patterns among different instructors in the same course. It might also be that expert opinion evidence obtained and offered by the appellant could persuade a committee.

What the appellant attempted to do was persuade the Board by reference to his written work and to textual materials from the course that his essays and examination were of higher calibre than the instructor had adjudged them to be. This sort of exercise invites the Board to set itself up as expert in the subject matter under consideration, in this case the History of the Reformation. Obviously, this is something the Board cannot do. In the course of discussing this problem at the hearing the appellant asserted that he had approached one expert with a view to obtaining his assessment of the work. This individual, however, declined to be of assistance since he felt that the Department of History might regard it as an unwarranted interference. A single refusal does not establish that the problem of obtaining expert testimony is insuperable. Nevertheless, the representatives of the Faculty, presumably anxious to conclude the case, suggested that the Board hear the appellant's evidence and hear the response of the instructor. Hence the Board followed this course.

As might have been predicted, the result was that the Board heard in some detail why in the appellant's judgment his work was better than the grade assigned it and why in the instructor's judgment it was not. At the end the Board was not persuaded that there was any reason to suspect that an error had been made. Nor did the fact that the grade was the appellant's lowest history grade, but not his lowest grade overall, constitute a sufficient anomaly to create any suspicion.

Appeal dismissed.

Secretary
August 17th, 1981

Chairman