

REPORT NUMBER 79 OF THE ACADEMIC APPEALS BOARDOctober 25th, 1983

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held meetings on Tuesday, October 25th, 1983, at 2:00 p.m., in the Dean's Conference Room, Medical Sciences Building, Thursday, November 10th, 1983 at 9:00 a.m., in the Council Chamber, Faculty of Pharmacy, and Tuesday, November 22nd, 1983, at 3:00 p.m. in Room 111 at the School of Graduate Studies, at which the following were present:

Professor J.B. Dunlop (In the Chair)	Mrs. J.R. Randall
Professor R. Manzer	Principal P. Silcox
Professor K.G. McNeill	Professor V.G. Smith
Ms. H. Morris	
Professor J. Percy	Ms. Irene Macpherson, Governing Council Secretariat

In Attendance

Mr. O.
and counsel
Ms. Katherine Francis
Downtown Legal Services

Mr. Ian Blue
Cassels, Brock
Professor M.E. Charles, Chairman
Department of Chemical Engineering
Professor D.G.B. Boocock, Department
of Chemical Engineering
Professor M.R. Piggott, Department
of Chemical Engineering

THE MEETINGS WERE HELD IN OPEN SESSION

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

MR. O.

On October 25, 1983, the Academic Appeals Board heard the appeal of MR. O. from a decision of the Applications and Memorials Committee of the School of Graduate Studies denying his appeal against an "FZ" grade in CHE 1300F and against a decision of the School of Graduate Studies to terminate his candidacy in the Master of Engineering programme. The decision of the Board is that the appeal should be allowed, that the appellant should be awarded a passing grade in CHE 1300F and that his candidacy should be reinstated.

The appellant has not been a strong student in the Master of Engineering programme. The failure in CHE 1300F was his third and in accordance with the departmental regulations and practice, in the absence of extenuating circumstances, he was required to withdraw. It is also the case that the department (Chemical Engineering and Applied Chemistry) has treated the appellant generously in many respects. Nevertheless, procedural defects in connection with the grading of CHE 1300F cannot be overlooked.

The appellant immigrated from Asia in 1975. His first degree had been obtained there in 1969. He entered the Master's programme at the University of Toronto in 1980 after having taken two courses as an occasional student. In his first year he passed two courses only after supplementary assessments, which seem to be rather generously given in the M.Eng. programme. In the fall of 1981, on the basis of a term test and a final examination he had failed CHE 1300F, obtaining an average of 64% when 70% was required. When he went to see his instructor about his failure he was offered the opportunity to write an essay on the subject matter of a question which he had answered poorly on the final examination.

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October 25, 1983

It was the appellant's understanding that his performance on this essay could result in his passing the course and this view was confirmed by the evidence of the instructor himself. It did not appear to the Board, however, that any particular criteria for judging the essay's impact on his final grade were established. At least, none was disclosed to the appellant. The instructor testified that he would have changed the mark if the essay had been excellent. Counsel for the School argued, quite correctly, that the instructor's general approach had been "kind" and "very generous". He took the position that only an excellent essay should have been expected to change the appellant's grade.

However, the instructor's view was that the essay was merely "good". Nevertheless he candidly admitted that he thought of giving the appellant a passing grade in the course. At that juncture he consulted the coordinator of graduate studies in the department and was given the appellant's overall record. He told the Board that when he learned of the appellant's other grades he thought that perhaps he was being too lenient. He conceded that he might have passed the appellant without the other information. The Board appreciates the instructor's frankness in this matter. The fact remains, however, that it is appropriate to assess a person in a particular course only on the basis of the work done in that course and when extraneous considerations may have affected the result the result cannot be allowed to stand.

The question remains, what is the appropriate remedy? Given that the essay was regarded as "good", an assessment which implies acceptability and a passing grade, and given the strength of the possibility that, but for the consideration of extraneous factors, the appellant might have been awarded a passing grade the appropriate remedy is that he be assigned the minimum passing grade. The requirement that he withdraw is thus nullified.

Secretary
January 24th, 1983

Chairman