

CONFIDENTIAL

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 97 OF THE ACADEMIC APPEALS BOARD

December 11th, 1985

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a hearing on Wednesday, December 11th, 1985 at 10:00 a.m. in the Conference Room, Library Administration, Robarts Library at which the following were present:

Professor J. B. Dunlop (In the Chair)	Mrs. Jovita Nagy
Ms. Fawn Currey	Professor Roger M. Savory
Professor Frederick Flahiff	
Professor J. T. Mayhall	Ms. Irene Birrell, Secretary

In Attendance:

Mrs. *M.*
Mr. Kevin R. Aalto, Strathy, Archibald and Seagram
Ms. Mary E. E. Lawrence, Strathy, Archibald and Seagram
Mr. Ian Blue, Cassels, Brock and Blackwell
Mr. W. Jevons, Secretary, School of Continuing Studies
Ms. R. Eisen, instructor, School of Continuing Studies
Ms. D. Raxlen, instructor, Faculty of Social Work
Mr. A. Cutcher, Co-ordinator of Professional Studies, School of Continuing Studies

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

At a meeting on December 11th, 1985 the Academic Appeals Board heard the appeal of *MRS. M.* from a decision of the Appeals Committee of the School of Continuing Studies dismissing her appeal against the decision of the Petitions/Marks Committee of the School which upheld the failing course result assigned to the appellant in SCS 6210 Methods of Family Therapy. The appellant alleged that her failure was due to the bias of the course instructor or to the course instructor's having considered irrelevant matters. She asked that she be granted a passing grade in the course or, in the alternative, an independent re-assessment of her paper. The decision of the Board is that the appeal should be dismissed.

The appellant took Methods of Family Therapy in the fall of 1984. It was one of nine courses offered by the School on behalf of the Ontario Association for Marriage and Family Therapy in the programme leading to the certificate in Marriage and Family Therapy. The appellant, who had a B.A. in Psychology from Concordia University, an M.A. in Sociology from the University of Toronto and a certificate in Rehabilitation Counselling from Seneca College, had completed a number of the courses in the programme successfully. Methods of Family Therapy was the only course in which she had not been successful.

The Board heard evidence from the appellant which made it clear that there was a lack of rapport between herself and the instructor and that she believed the instructor was biased against her. However, she testified to only one incident which could be said to manifest any sort of judgement of the appellant by the instructor. This was a conversation which occurred approximately half way through the course in which, according to the appellant, the instructor said that she planned to fail the appellant and claimed that the appellant did not have enough clinical experience. In the appellant's view, she had more experience than others in the class. The issue of the relative strength of the clinical experience of the various members of the class is not an issue the Board is really in a position to assess. Nor is it necessary to the decision.

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The instructor, who also gave evidence, had a different version of the conversation. According to her, she had formed the impression that the appellant was not understanding the material in the course, possibly because her clinical experience was not as strong as that of other members. After consulting with the Co-ordinator of Professional Studies, who had advised speaking to the appellant, the instructor expressed her concerns to the appellant. She denied having said that the appellant would fail. She said she had even greater concern about the appellant, who became very agitated, after the conversation. According to the instructor, it was the appellant who first mentioned the possibility of failure.

It appeared to the Board that the appellant was an individual who was quite sensitive to criticism and it seemed altogether possible that she might have misinterpreted the instructor's remarks. Of course an expression of concern over whether someone is understanding the work in a course, however worded, is bound to suggest to the person the possibility of failure. The possibility must be in the mind of the instructor, as well. But the Board could see no reason why the instructor would have said she "planned" to fail the appellant.

In any event, whether this incident indicated a "bias" on the instructor's part or merely a tentative adverse judgement the crucial issue is the way the appellant was assessed on her work. The grade for the course was based on a single paper, a case study, of from six to ten pages. The instructor read the paper but did not assign a grade although she thought it was a failure. It failed, in her opinion, adequately to relate theory and practice. She testified that it was probably an error not to deal with the paper in the normal manner but that she had become highly sensitized to the appellant's distress and, aware of her own thoughts about the appellant's skills, was, "bending over backwards to be fair". She asked another instructor in the programme (who had been a guest lecturer in the course and who had previously taught the course) to read the paper. This instructor was of the view that the paper was a failure.

The appellant claimed that the second reader was also biased because of her connection with the course and with the instructor. While forming no opinion about the allegation of bias, the Co-ordinator of Professional Studies arranged for still another individual who had been involved in teaching in the programme, but had never taught this course, to read the paper. She was given a copy of the course description and details of the assignment. She also thought the paper was a failure. Finally, the appellant appealed formally and a third reader, a member of the Faculty of Social Work recommended by the Dean of Social Work as competent in the field, and not a member of the Association for Marriage and Family Therapy, was appointed. She had had extensive experience in family therapy in private practice, and had instructed in the School of Continuing Studies as well as in the Faculty of Social Work. She was given a general description of the course and of the assignment. What was asked for on the assignment, she said, was similar to what was required in other courses with which she had been involved, although not at the School of Continuing Studies. The paper was not a pass by the standards appropriate for a first or second-year social work student she said. She read another paper from the course in which the appellant had participated for comparison. It was, in fact, a particularly good paper having been based on a case discussed in class. This reader was not concerned that she was applying a different standard.

The appellant made several points concerning the method of grading her paper. She alleged that the reader who had been a guest lecturer and the reader selected by the Co-ordinator of Professional Studies were biased because they knew that her paper must be a failure and because they were part of a closely knit group which included the instructor. It is always the case, however, that when a paper is being re-read the person re-reading it has a good idea that it has originally been judged a failure. This is not a matter of unfair prejudice. It is the fairest procedure that is open.

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While it was true that the guest lecturer and the other reader selected by the Co-ordinator of Professional Studies were members of the Association for Marriage and Family Therapy the evidence of the instructor was that she knew them only on a professional basis and that they were not close. That they may have felt any pressure to support the instructor's conclusion, therefore, seems unlikely especially in light of the manifest desire of all concerned to deal with the appellant fairly.

It was argued that the reader on the formal appeal was applying a standard appropriate to students in the Master of Social Work programme, a standard higher than should have been applied to the appellant. It was also argued that none of the readers was well enough versed in the expectations of the course to be able to grade the paper effectively.

While the arrangements for re-reading may not have been ideal it seems to the Board that not much more could have been done. The evidence pointed strongly to the conclusion that the appellant simply had not met the requirements of the course in her paper and that no remedy could be granted. Nothing except the appellant's own conviction pointed the other way. The Board could not, on the basis of the evidence, award the appellant a passing grade. It is even difficult to see what would be accomplished by having still another individual, probably a member of the Association, read the paper.

The appellant complained that the instructor did not inform her of her difficulties early enough in the course so that she would have been in a position to withdraw. It was not clear to the Board that this was something for which the instructor could be blamed. It is frequently impossible to form a valid judgement of a student within such a period of time. In any event, it was not the Board's impression that the appellant was the kind of person who would have withdrawn. She seemed much more determined than that.

The appeal is dismissed.

Secretary
January 28th, 1986

Chairman

