

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 183 OF THE ACADEMIC APPEALS COMMITTEE

July 27th, 1994

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Wednesday, July 27th, 1994 at 2:00 p.m. in the Flavelle Room, Faculty of Law, 78 Queen's Park Crescent at which the following were present:

Professor D. Beatty, Acting Chair
Professor B. Brown
Professor D. Galbraith
Ms P. Haist
Mr. D. Morton

In attendance:

Ms L.H., the appellant
Mr. M. Farago, Downtown Legal Services, counsel for the appellant
Professor B. J. Sessle, for the Faculty

Ms L.H. has appealed to the Academic Appeals Committee of the Governing Council a decision of the Appeals Committee of the Council of the Faculty of Dentistry which denied her appeal to rewrite a supplemental examination in Restorative Dentistry (280Y). Reduced to its essentials, the basis of Ms L.H.'s appeal is that the supplemental examination she wrote and failed on June 18 and 21, 1993 was unfair because the first question on the test was unclear and ambiguous in its wording and was much more difficult in the skills that it tested than the questions that had been used in this course in regular examinations during the year. In addition, Ms L.H. complained that the practice sessions that were organized by the Faculty in the week preceding her supplemental examination were conducted in a way which was misleading and which contributed to her failure in the supplemental examination. In support of her appeal, Ms L.H. provided the Committee with letters from John B. Houston, a practitioner of prosthodontics in Toronto, and K. W. Hindelman, a professor of Restorative Dentistry, in which both Drs. Houston and Hinkelman elaborated on the difficulties they perceived with the first question of the first examination.

After considering the material supplied by the parties and weighing the testimony given at the hearing by Ms L.H. and Dr. J. Brown, who was the Faculty Co-ordinator in the course, the Committee is of the view that this appeal must be denied. On the evidence we heard, we are satisfied that the questions that were included in the supplemental examination and in particular question number one of test number one, were of a standard format, testing skills and diagnostic procedures that are regularly examined in this course. According to Dr. Brown, question number one was of a standard type which, in one format or another, had been used at least half a dozen times in the last eight years.

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Nor is the Committee persuaded that the wording of question one was so ambiguous or confusing that it caused her to fail the examination. Even if we accept the evidence of Drs. Houston and Hinkelman that the question was not as clear as it should have been, there is no evidence that it contributed to her failure in the examination. Although Ms L.H. said she was surprised by the level of difficulty posed by the question, she made no claim, in her evidence to our Committee, that the question threw her off or impeded her performance either on question one itself or indeed on any other part of the examination. In fact, in her evidence, she conceded that Dr. Brown had asked the students to read all of the questions at the beginning of the examination and to ask him if they had any difficulties or problems with them. Neither then, nor following the examination, did Ms L.H. complain either about the clarity or the level of difficulty of the first question. In addition, it should be noted that even if one were to accept Ms L.H.'s complaints about the first question on the examination and measured her performance solely against the remaining questions, she still would have failed the examination. According to the evidence of Dr. Brown and the written material supplied by the Faculty, all four members of the Faculty who work in the area of restorative dentistry, evaluated all aspects of her work in the examination and judged it to fall below what was acceptable as a passing grade.

Finally, the Committee is not persuaded that the practice sessions which were held in the week leading up to the examination could be characterized as misleading or as having contributed to Ms L.H.'s failing the supplemental examination in any way. Both she and Dr. Brown were agreed that, at the beginning of the week, Dr. Brown made it perfectly clear that attendance was voluntary and that students could use the time to practice whatever procedures they liked. In our view, the practice sessions could in no way be characterized as a kind of remedial program or tutorial sessions which were designed to direct the students' attention to what questions would be on the examination or provide them with a preliminary evaluation of how they would do on the examination. If those had been the objectives of the practice sessions, it would have been incongruous to allow students the freedom to choose whether they would attend and if they did, what procedures they would do.

In the result, the Committee is of the view that there are no grounds on which the appellant's performance in her supplemental examination in Restorative Dentistry (280Y) can be challenged or impugned. Once it is accepted that the examination and the procedures leading up to it were fair, it follows Professor D. Beatty, from the Faculty's rules on standing and promotion, that the Faculty was acting within its powers in concluding that Ms L.H. should fail her year. Accordingly, and for the reasons given, this appeal must be denied.

Secretary

Professor D. Beatty
Acting Chairman

August 8th, 1994