

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 202 OF THE ACADEMIC APPEALS COMMITTEE

January 8, 1996

To the Academic Board,
University of Toronto.

Your Committee reports that it held a hearing on Monday, January 8, 1996, at 2:00 p.m. in the Flavelle Room, Faculty of Law, 78 Queen's Park Crescent, at which the following were present:

Professor Edmund Alexander, Acting Chairman
Mrs. Margo Coleman
Mr. Earl Dumitru
Professor John Mayhall
Professor James Smith

Ms Susan Girard, Acting Secretary

In attendance:

Mr. M.V., the appellant
Professor Susan Howson, Associate Dean, School of Graduate Studies
Professor Nancy Gallini, Department of Economics
Ms Julie Thorburn, Counsel for the Department of Economics

In 1992-93, Mr. M.V. was a student in the Ph.D. programme in Economics in the Graduate Department of Economics at the University of Toronto. As part of the programme, a doctoral student is required to pass comprehensive examinations in macroeconomics and microeconomics in the same year. The Graduate Department permits two attempts at each comprehensive examination. Mr. M.V. wrote and passed his macroeconomics comprehensive exam in June, 1993. He did not write his microeconomics comprehensive exam in June, 1993 because of an alleged problem with his eyes. The Graduate Department did not accept his medical condition as a sufficient and compelling one to excuse him from writing the exam and treated his failure to write in June as a failure in the microeconomics comprehensive exam. He wrote the microeconomics comprehensive in August, 1993 and failed. Because of his two failures, Mr. M.V. was terminated from the doctoral programme.

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Mr. M.V.'s appeal of his termination to the Appeals Committee of the Graduate Department of Economics was dismissed on September 28, 1993, as was his further appeal to the Associate Dean of the School of Graduate Studies on November 9, 1993. However, a further appeal by Mr. M.V. to the Applications and Memorials Committee of the School of Graduate Studies was allowed in part on November 4, 1994. Because of an error made in the explanation given to him by the examiners after the microeconomics exam, with respect to one of the questions on the exam, the Applications and Memorials Committee felt that as a matter of fairness his exam should be re-marked by an examiner from outside the University of Toronto. If the external examiner were to award a pass to Mr. M.V. he would be restored to good standing in the doctoral programme; on the other hand, if the external examiner were to confirm his failure, his termination would stand.

Under the conditions set by the Applications and Memorials Committee, Mr. M.V. had to agree in writing that he would abide by the grade assigned by the external examiner. If he failed to do so within three weeks of the release of the Committee's decision, the decision provided that his appeal would be dismissed. Over a period of time extending beyond three weeks, Mr. M.V. and the Associate Dean were unable to agree on the materials to be used by the external examiner in re-marking the exam. As a result, Mr. M.V. did not give the required written agreement, and the Associate Dean treated his appeal as being dismissed in accordance with the conditions set by the Committee.

Mr. M.V. appealed to the Academic Appeals Committee. At a meeting held on January 8, 1996, the Academic Appeals Committee decided that his appeal should be allowed in part. His exam should be re-marked by an external examiner in accordance with the terms and conditions set out by the Applications and Memorials Committee in its decision of November 4, 1994, with the following clarifications and modifications to those terms and conditions:

- the external examiner should be given only documents relevant to the August, 1993 microeconomics comprehensive exam, including the four papers written in that exam;
- Mr. M.V. must supply the written agreement required by the Applications and Memorials Committee within one week of the release of this decision.

With respect to the other grounds of appeal raised by Mr. M.V., i.e., his medical condition in June, 1993, the relative difficulties of the June and August microeconomics comprehensive exams, the process used in evaluating the August, 1993 microeconomics comprehensive exam, and the accuracy of the marking of that exam, the Academic Appeals Committee dismisses Mr. M.V.'s appeal for the reasons given by the Applications and Memorials Committee in its decision of November 4, 1994.

Ms Susan Girard
Acting-Secretary

Professor Edmund Alexander
Acting Chairman

January 8, 1996