

**UNIVERSITY OF TORONTO**

**THE GOVERNING COUNCIL**

**REPORT NUMBER 230 OF THE ACADEMIC APPEALS COMMITTEE**

**April 27, 1998**

To the Academic Board,  
University of Toronto.

Your Committee reports that it held a hearing on Monday, April 27, 1998, at which the following were present:

Professor Emeritus Alan Mewett, Acting Chair  
Professor Ethel Auster  
Professor Frank DiCosmo  
Professor John Mayhall  
Mr. Faisal Raja

Ms Rosanne Lopers-Sweetman, Secretary, Academic Appeals Committee

In Attendance:

Ms D.W., the Appellant  
Associate Dean Ian McDonald, Scarborough College

The student appeals a decision of the Sub-committee on Academic Appeals at Scarborough College denying her appeal from the decision of the Sub-Committee on Standing denying her petition to have her performance on the final examination in the Winter Session course SOCC34Y evaluated on a basis different from the one established by the instructor.

The facts are not in dispute. The course was graded as follows:

Term Test #1.....10 marks (in which she obtained 8 marks)  
Research Assignment #1 ...20 marks (in which she obtained 16)  
Term Test #2 .....15 marks (in which she obtained 14)  
Research Assignment #2.....20 marks (in which she obtained 15.5)\*  
Final Examination .....35 marks (in which she obtained 17.35)

[\*This was actually recorded as 15, but the Associate Dean assured the Committee and the student that the record would be corrected. In the final analysis, this makes no difference to the actual grade.] As will be seen, if it were not for the grade of D on the final examination, the student would have been in the B+ or A range.

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The reasons for the poor grade in the final examination are as follows. Ms W. is a member of the University Athletic Team and as such must sometimes be absent from classes. On these occasions, she has always made sure that notes are taken by a note-taker and given to her afterwards. It was not until her study period, about a week or week-and-a-half prior to the exam, that she realized that the notes for one lecture she had missed were not included in the notes she had received. She asked one of her friends what was in that one lecture and was told that the subject matter was "minorities". In fact, as her friend admitted after the examination, the subject matter also included the very topic that was on the final examination. Relying on the false information given by her friend, Ms W. was not unduly worried for two reasons. First, the subject of "minorities" was covered in the text book which she had read and second, the instructor had informed the class that there would be a choice on the final examination, so that, in her mind, even if she was unable to answer the one question on minorities, she could always fall back on the other optional question.

Nevertheless, to be on the safe side, Ms W. did attempt to contact the instructor, but was unable to do so.

On the final examination there was, indeed, a choice, but not in the way that Ms W. had expected. There were two parts to be answered and while the questions in Part Two had a choice, there was only one question in Part One and this was compulsory and counted for 15 of the 35 marks available. This question covered exactly the subject matter of the missing notes and Ms W. was unable to answer it at all.

In these circumstances the student petitioned that the final examination be graded differently for her than for the other students -- that the question in Part One be marked out of 5 and the questions in Part Two be marked out of 30.

This Committee is not unsympathetic with the student who seems to have been the victim of a combination of unfortunate events. She has a good academic record, and her absence from class was for a legitimate University reason, but a majority of the members of the Committee would deny the appeal and uphold the decision of the Sub-committee.

Students who rely on notes taken by others realize that they are running a risk that the notes may be incomplete or inaccurate. They should be checked as soon as reasonably possible after they are taken so that matters may, if necessary, be clarified with the note-taker or the instructor. Here, it was not until a week-and-a-half before the final examination was to be written that the student discovered that there was something missing from the notes by which time her efforts to seek clarification from the note-taker were misleading, and her efforts to contact the instructor were unsuccessful. Furthermore, the petition sought by the student would be very unfair to the other students in the class. They, presumably, spent only 20/35ths of the available time on Part Two, and 15/35ths of the time on Part One. Since Ms W. did not even attempt to answer Part One at all, she was able to spend her whole time (or close to it) on Part Two and to grade her on that alone (or substantially on that alone) would skew her marks more in her favour than can be justified.

A minority of the Committee would grant relief to the student on compassionate grounds alone, feeling that all the circumstances combined to work against her in a most unfortunate

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manner. The decision of the Committee is, though, by a majority decision, that the appeal be dismissed and the decision of the Sub-Committee on Academic Appeals of Scarborough College be confirmed.

Rosanne Lopers-Sweetman  
Secretary

Alan Mewett  
Acting Chairman

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