

UNIVERSITY OF TORONTO

THE GOVERNING COUNCIL

REPORT NUMBER 101 OF THE ACADEMIC APPEALS BOARD

June 26th, 1986

To the Academic Affairs Committee,
University of Toronto.

Your Board reports that it held a hearing on Monday, June 26th, 1986 at 2:00 p.m., in the Board Room, Simcoe Hall at which the following were present:

Professor J. B. Dunlop (In the Chair)	Mrs. J. Nagy
Professor W. J. Callahan	Mrs. J. R. Randall
Professor J. H. Galloway	
Professor J. T. Mayhall	Ms. Susan Girard, Secretariat

In Attendance:

Ms. L.
Mr. David A. Klein
Professor Peter M. Wright, Acting Dean, Faculty of Architecture and Landscape Architecture

THE FOLLOWING ITEM IS REPORTED FOR INFORMATION

On June 26th, 1986 the Academic Appeals Board heard the appeal of *MS L.* from a decision of the Appeals Committee of the Faculty of Architecture and Landscape Architecture confirming her original mark of 45 for the Studio ARC302S, a third year course, in the academic year 1984-85. Evidence was presented to the Board by the appellant concerning the merit of her work and concerning procedural errors in connection with her appeal to the Faculty's Appeals Committee. The Board was not in a position to determine the question of merit and could not accede to the request that the appellant be granted a passing grade. However, it was the Board's view that the appellant was entitled to have her appeal considered in accordance with the procedures published in the calendar of the Faculty for the academic year 1984-85.

The evidence disclosed that the course instructor had assessed the appellant's work as inadequate and assigned it a mark of 45. Two other faculty members to whom the work was subsequently referred for re-assessment confirmed that this was an appropriate grade. One witness who testified before the Board gave evidence that her work had merit and a letter from a French architect who had been a visiting critic in the Faculty, although not altogether clear as to whether the work deserved a passing grade or not, could be classified as favourable. The Board, of course, cannot assess the merit of work and does not purport to do so. Where it has reason to doubt the validity of an assessment it might order a re-assessment. The Board was not in a position to reach such a conclusion on the evidence before it in this case.

However, the appeal at the Faculty level was not considered by the Appeals Committee in accordance with the regulations published in the 1984-85 calendar. These regulations include the following provisions:

17.10 The Appeals Committee must refer appeals dealing with re-assessment of work to a Work Assessment Panel if the Committee finds that the student has submitted substantive reasons for re-assessment.

17.11 The Work Assessment Panel shall be constituted by the Appeals Committee with three members who can provide independent re-assessment appropriate to the individual case. Membership of the Panel shall be confidential.

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17.12 The opinion of the Panel will be considered with all other evidence by the Appeals Committee and a final decision on the appeal made. In the case of an appeal regarding a course mark, the previous awarded grade may be raised, lowered or kept the same, depending upon the Committee's assessment of the individual case.

The appellant's work was re-assessed by only two individuals and while one of them was a person whose name had been agreed upon by the Appeals Committee, the other was someone chosen by the Chairman of the Appeals Committee in consultation with the Dean. The reports of these individuals did not come before the Appeals Committee but were simply accepted as dispositive of the issue.

It would appear that the process actually followed was one that accorded with the new by-law and rules of order of the Faculty which were enacted in 1985 and referred to in the calendar for 1985-86 although not reproduced in that publication. The section on appeals in the 1985-86 calendar simply states that "A complete description of the procedures of the Appeals Committee can be obtained from the Faculty office." The new procedures were not, in fact, widely publicized until the fall of 1985. At the Board's hearing Dean Wright indicated that because the appellant had filed her appeal after the 1st of July 1985 he had assumed that the appropriate procedure was that contained in the new by-laws and rules of order. However, the appellant was not aware until late June of 1985 that she had failed her studio and it is the Board's view that the appropriate procedures for her appeal were those that had appeared in the calendar for 1984-85. Thus it is the Board's view that the Appeals Committee of the Faculty should re-consider the appellant's case in accordance with those procedures, submitting her work to a Review Panel of three independent individuals appointed by the Appeals Committee and making its decision on the basis of their report and such other evidence as is presented.

The appeal is therefore allowed.

Secretary
July 25th, 1986

Chairman