

UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL

REPORT NUMBER 125 OF THE ACADEMIC APPEALS COMMITTEE

October 6th, 1989

To the Academic Board,
University of Toronto

Your Committee reports that it held a hearing on Friday, October 6th, 1989 at 1:30 p.m. in the Board Room, Simcoe Hall, at which the following were present:

Professor J. B. Dunlop (In the Chair)
Professor K. G. McNeil/
Mr. D. Power
Professor V. G. Smith
Mr. A. Waugh

Ms Irene Birrell, Secretary

In Attendance:

Mr. *R₃* the appellant
Mr. Symon Zucker, counsel for the appellant
Dr. N. Levine, Acting Dean, Faculty of Dentistry

At a meeting on 6 October, 1989 the Academic Appeals Committee heard the appeal of *MR. R₃* against a decision of the Appeals Committee of the Faculty of Dentistry denying his appeal from a decision of the Executive Committee confirming his failure in third year Periodontics. Because Periodontics is a clinical course, no supplemental examination was available and the appellant, who had also failed two didactic subjects, was required to repeat the year.

Before this Committee, the appellant indicated, as he had to the Appeals Committee of the Faculty, that he wished merely to have the grade changed from a failure to "Incomplete". Had he been given an "Incomplete" standing at the end of the year he would have been eligible to write supplemental exams in the didactic subjects and might thus have been able to proceed to fourth year. The decision of the Committee is that the appeal should be allowed and the appellant given an "Incomplete" status in Periodontics.

The grounds of appeal were (1) compassionate and (2) technical. The compassionate ground concerned the condition of the appellant's brother. Badly injured in a car accident, his health deteriorated during the year and there were fears that he might commit suicide. The appellant spent considerable time taking after his brother and was under significant stress which affected his work. The technical ground alleged failure by the faculty to follow either its own policy or the University's Grading Practices Policy in respect to the Periodontics course.

The problem of his brother's health had never been disclosed by the appellant prior to his petition to the Executive Committee and according to Mr. Zucker, that Committee understood the accident to have occurred some years earlier, not that it constituted a source of particular stress in 1988-89.

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He had not mentioned the matter during his interview with the Dean in June, when he knew his status in Periodontics was in doubt. He tried to discuss it with the course co-ordinator in August but the latter's memo to the Dean stated that he had "refused to read or discuss the nature of [the appellant's] problems as they would not change the fact that he is clinically deficient". It is an unfortunate fact that students are sometimes so reticent about personal problems that they miss out on opportunities to arrive at simple, easier solutions to their problems by raising them in more timely fashion. Had the appellant raised the matter during the year or perhaps when talking to the Dean he might not have had to go as far as this Committee for a solution. One would like to think, however, that when a problem is raised it will at least be listened to by a faculty member, whether it is likely to make a difference or not. In any event, it is this Committee's view that the evidence supports the conclusion that the appellant was under serious stress during the year.

Turning to the technical grounds, the evidence before this Committee showed that the appellant was considered by his instructors to have a problem with Periodontics, a full-year course, well before Christmas. He was not spoken to about his situation, however, until an interview on 21 February. The grading period ended in March. Thus he had little time to remedy any serious shortcoming. He was encouraged by the Dean at a meeting in June to spend additional time in the clinic, as his situation was at best precarious. He was told that his work during that period would be monitored, but in fact no grade received by him after March was taken into account in deciding his fate.

The grading sheet maintained over the period from September until March showed that the grades received by the appellant averaged 6.2. Had the grades he received in work done in June been taken into account, the average would have been 6.9. The grading scheme defined 9 or 8 as "outstanding", 7 or 6 as "acceptable", 6 or 5 as "needing improvement" and 5 or lower as "unacceptable".

There were a number of days on which an "x" was shown in place of a numerical grade. This, we were informed, indicated either a failing grade or an inadequate performance to which the instructor was reluctant to assign a grade. However, in the latter case the inadequate performance could have been because not enough work had been done to justify assessing a grade.

One must agree with the Faculty Appeals Committee's statement that "the marking criteria in this subject are not as clear as they might be". Especially is this so when one adds the information that the final mark is "a combination of many factors including instructor's comments" and that "subjectivity" must be employed in assigning grades in clinical procedures. We were told that the course co-ordinator gave evidence in the earlier appeal to the effect that he did not decide on the failures until he had made a graph at the end of the year and saw where the class average was. This, it was argued involved establishing the pass standard after the course had ended, which would be contrary to the Grading Practices Policy. It is not clear, however, that this is the only interpretation that can be put on the co-ordinator's evidence.

Nevertheless, given the uncertainty of this grading system, the student must clearly depend on "feedback" through the year to know where he or she stands. As far as actual numerical grades were concerned, the "feedback" to the appellant was at best equivocal, and only once during the course, late in the year, was he told that his position was precarious. Then, when he had some reason to believe that work done in June might help him, it turned out that none of it was taken into account.

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In the circumstances, it seems appropriate to the Committee that the appellant should not be failed in Periodontics but instead should be given "Incomplete" status so that he may still be able to salvage the course.

The appeal is allowed.

Secretary
October 18th, 1989

Chairman

