

**UNIVERSITY OF TORONTO**  
**THE GOVERNING COUNCIL**

**REPORT NUMBER 199 OF THE ACADEMIC APPEALS COMMITTEE**

**September 26th, 1995**

To the Academic Board,  
University of Toronto.

Your Committee reports that it held a hearing on Tuesday, September 26th, 1995 at 3:30 p.m., in the Board Room, Simcoe Hall, 27 King's College Circle, at which the following were present:

Professor Alan Mewett, Acting Chairman  
Professor Joan Brailey  
Mr. Earl Dumitru  
Professor John Mayhall  
Professor Ruth Pike

Ms Margaret McKone, Acting Secretary

In attendance:

Mr. E.D., the appellant  
Ms Barbara McCann, Registrar, Faculty of Applied Science and Engineering  
Professor Alex Collins, Faculty of Applied Science and Engineering

Appeal heard *in camera* at student's request, not opposed by the Faculty.

The student appealed a decision of the Faculty refusing him permission to graduate with three course marks in the 40-49 range.

The Faculty regulations specify that students may not graduate with three marks in the 40-49% range. Mr. E.D. did well in his First Year and successfully completed Second Year, though, having two marks in the 40-49% range, was permitted to proceed to Third Year on academic probation. In his Third Year he did badly, receiving a grade point average of 59% (lower than the required average of 60%) and obtained his third mark in the 40-49% range. As a result he was required to repeat Third Year. However, he petitioned the Faculty to be allowed to proceed to Fourth Year citing personal family hardships as a reason for the poor performance. The Faculty allowed the petition on the very clear understanding that he would have to clear one of the 40-49 marks before he would be allowed to graduate. The student accepted this condition and chose to rewrite the examination in Machine Design, the Third Year course in which he had obtained a mark of 48%. He thus took a full Fourth Year course-load and, in addition, was attempting to clear the mark in Machine Design. Because of timetabling conflicts he was unable to audit this course as given in the 1994-95 session during the second

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term, relying instead on the notes of other students and the occasional conversation with the lecturer concerned. In the examination he received a mark of 44% and thus failed to clear one of the three marks in the 40-49% range although his marks in the other courses he took are fully satisfactory. He has been refused permission to graduate until this has been done and his petition to be exempted from the faculty regulation was refused. That refusal was upheld by the Faculty Ombudsman Committee and it is from this decision that he now appeals.

The Committee accepts that the student's personal and family problems that occurred during his Third Year were such that the Faculty is to be commended for allowing him to proceed to Fourth Year and carry the extra burden of having to clear one of his 40's, though, in retrospect, it may appear that this was more than the student could handle. Still, it was what he wanted and he was fully aware of the extra work it entailed. The student's main complaint is that the content of the Machine Design course offered in 1994-95 was not the same as that offered in 1993-94 when he first took it and that half of it was devoted to Kinematics, a course which he had previously taken but which, too, had changed in content since that time. He therefore devoted most of his study time to revising his awareness of the Kinematics part of the course, only to be informed, just before the examination, that the final examination would not include any examination of the Kinematics part of the course. But this affected all students in the course and Mr. E.D. was in no different position from those other students with whom he was in close touch. It is, in any case, difficult to see how this piece of information would have affected to any great extent his performance in that part of the course in which he had previously been examined.

He also complains that because of the timetabling conflict he was unable to attend many of the Machine Design lectures he was auditing. Again, the student was fully aware of this conflict at the time he elected that course as the one in which he sought to raise his mark. There were two others he could have chosen, or had he been prepared to do so, a number of other courses he could have taken. He also complains about the marking scheme adopted by the examiner on the grounds that he "paid too much attention to mechanical errors and gave relatively little weight to the conceptual underpinnings of the answers". This Committee has no jurisdiction or inclination to second-guess the examiner in any course and simply cannot accept this as a ground of appeal.

This student is not the only one to have fallen foul of the three marks between 40-49% of the rule that the Faculty established some time ago for what, in their considered opinion, were good and valid reasons. Indeed, the Committee was informed that some 15 students are in the same position as Mr. E.D.

The Committee considered all the facts put forward by Mr. E.D. but concludes that it should not overturn the result reached by the Faculty and confirmed by the Ombudsman Committee. In its view, Mr. E.D. has been more than fairly treated by the Faculty and that to some extent the student was the author of his own misfortune. It regrets that this will have the effect of postponing his graduation, but we must be fair not only to the petitioner but also to all the other students in the same position.

The appeal is therefore dismissed.

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Ms Margaret McKone  
Secretary

Professor Alan Mewett  
Acting Chairman

October 2nd, 1995