

# STUDENTS' LAW SOCIETY

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## UNIVERSITY OF TORONTO FACULTY OF LAW

March 23, 2016

Dear Dean Iacobucci and Associate Dean Rittich,

As you may know, Professor Catherine Valcke reused a fact pattern-based exam for her 1L Contracts class again this year. Although the exam was available in physical copy at the library, it was not available electronically in the online exam database (on the Bora Laskin Law Library website). However, at least one student had an electronic copy of the exam, as well as an annotated answer, prepared by an upper year student during a class where Professor Valcke worked through the answer to the exam as practice.

This echoes the incident from last year (2015) and the year before (2014).

The reuse of exam questions by professors is unacceptable to students for a number of reasons. First, it is likely to produce significant inequality between students who have access to the exams and those that do not. Last year's occurrence exemplifies this problem: an exam that was publicly available online at the beginning of the term was taken offline and then used as the final exam. Students who downloaded the exam prior to it being taken offline had an advantage. This year, students who were aware that the library maintains a collection of past exams offline (with different material than what is available online) were given the advantage. One can also imagine a scenario in which a professor reused an exam from their time teaching at a different university. Some students and not others would potentially have access to it. This has happened at other universities.

Second, the reuse of exams is not effective pedagogy. Rather than allowing students to apply their legal knowledge to novel fact patterns, which is what they will be doing in their future practices, the practice of reusing exams encourages students to simply memorize past exams. There is little creativity or quick-thinking in such an exercise. Particularly, as students become aware that certain professors tend to reuse exams, they no longer focus on learning and understanding the class material, but rather focus on creating elaborate "answer banks" for quick reference and for the purpose of duplicating during an exam.

Finally, it may generate reputational damage to the integrity of the school's examination regime if unequal exam conditions and poor pedagogy are permitted to continue. Students are understandably upset that this is occurring. In our collective view, it calls into question the fairness of the current system, as well as the commitment to teaching of some Faculty members.

We note that students are subject to stringent policies that govern their performance during exams and the reuse of their essays. Those policies ensure the integrity of the evaluation regime. However, despite

students' concerns over the past three years, professors are not governed by any policies relating to the reuse of exams, which directly impacts the integrity of the evaluation regime.

**It is the position of the SLS that the administration should adopt a firm policy against the wholesale reuse of past exams.** Many – if not the majority of – instructors do not reuse exams. The students view the creation of new exams as a core, and very well remunerated, responsibility of all instructors.

If the Faculty is unwilling to adopt this policy, at a minimum, the Faculty should create policies that state:

- 1. All past exams, once made available to a class/group of students, must stay accessible to all law students henceforth.**
- 2. Not all students are aware of the existence of the bank of hardcopy past exams located at the library. To avoid unequal advantage accruing to those who are aware of its existence, this bank must be advertised to all students.**
- 3. If an exam that is accessible to law students must be removed such that it is no longer accessible in any format, that exam cannot be reused for the purpose of an examination in the future.**

To reiterate, the above policies are 'second best' solutions. We believe strongly that the best policy is a simple prohibition on the reuse of exams. Without this, we believe that errors will continue to occur, to the detriment of the reputation of the Faculty.

**We further request that these policies be reduced to writing and publicly disseminated to all students, instructors, and administrative staff.**

Thank you for your attention to this matter.

Sincerely,

Andrew Wang  
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Students' Law Society

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