

# THE UNIVERSITY OF BRITISH COLUMBIA



Senate Committee on Student Appeals on Academic Discipline  
c/o  
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4 May 2012

To: Vancouver Senate

From: Senate Committee on Student Appeals on Academic Discipline

Re: **Annual Report to Senate (1 May 2011 – 30 April 2012) (information)**

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Members of the Committee:

- Prof. Bruce MacDougall (Chair)
- Mr. Tariq Ahmed
- Prof. Bonnie Craig
- Mr. Brendan Craig
- Mr. Darran Fernandez
- Dr. Sue Grayston
- Dean Murray Isman
- Dr. Philip Loewen
- Ms. Trish Rosseel
- Mr. Ravi Parhar
- Mr. Kevin Truong

The Senate Committee on Student Appeals on Academic Discipline is a standing committee of the Vancouver Senate established under section 37(1)(v) of the *University Act*, R.S.B.C. 1996, c.468. The Committee is the “standing committee in the final appeal for students in matters of academic discipline.” Under section 61(1) of the *Act*, the “president has power to suspend a student and to deal summarily with any matter of student discipline.” Under section 61(2), the President “must promptly report the action of the standing committee established under section 37(1)(v) with a statement of his or her reasons.” Under section 61(3), the “action of the president is final and subject in all cases to an appeal to the Senate.”

Student discipline is governed by the Academic Regulations section of the UBC Calendar. The rules and procedures of the Senate Committee on Student Appeals on Academic Discipline can be found at <http://www.senate.ubc.ca/vancouver/rules.cfm?go=discipline>.

During the period from 1 May 2011 to 30 April 2012, the Senate Committee heard five (5) appeals involving students disciplined by the President upon the recommendation of the President's Advisory Committee on Student Discipline. Of the appeals considered by the Senate Committee, two (2) were allowed and three (3) were dismissed. The misconduct, the disciplinary actions taken by the President, the nature of the appeals and the decisions of the Senate Committee are as follows:

## 1. 22 June 2011

The student was disciplined for copying the answer of one question on a midterm examination from the examination paper of a student seated nearby. The discipline imposed by the President was a mark of zero in the course, and a notation of academic misconduct entered on the student's transcript. The student appealed on the grounds that (1) the President erred in his assessment of the evidence in the President's Committee report, including any factual inferences made by the President, or the student's credibility or that of other witnesses, and (2) the discipline imposed was excessive.

The standard of review for both grounds of appeal is reasonableness. The Committee found that the President's decision was not unreasonable on either ground.

**Appeal dismissed**

**2. 17 August 2011**

The student was disciplined for submitting a fraudulent medical note in support of a missed midterm examination in one course, and for submitting another fraudulent medical note in support of a late assignment in another course. The discipline imposed by the President was marks of zero in both courses, suspension from the University for a period of four (4) months, and a notation of academic misconduct entered on the student's transcript. The student appealed the marks of zero and the suspension from the University on the grounds that (1) the procedure of the President's Committee was unfair or operated unfairly in that there was bias or lack of independence in the President's Committee, or the President's Committee's procedures were unfairly applied or breached, or the President gave insufficient reasons for his decision, and (2) the discipline imposed was excessive.

The standard of review for both grounds of appeal is reasonableness. The Committee found that the President's decision was not unreasonable on the first ground. A majority of the Committee found that the President's decision was not unreasonable on the second ground. A minority of the Committee found that the imposition of marks of zero in both classes was excessive.

**Appeal dismissed**

**3. 7 September 2011**

The student was disciplined for submitting a Master's thesis which contained uncited materials identical to published sources available online. The discipline imposed by the President was a mark of zero in the course, suspension from the University for a period of 12 months, and a notation of academic misconduct entered on the student's transcript. In written arguments to the Committee, the student submitted new information which had not been available at the time that the President's Committee took its decision. The Committee found that this information could materially affect the outcome of the appeal. The Committee sent the matter back for rehearing by the President's Committee.

**Appeal allowed**

**4. 16 February 2012**

The student was disciplined for submitting a Master's thesis that contained plagiarized segments requiring disciplinary measures. The discipline imposed by the President was a mark of zero in the course, suspension from the University for a period of 12 months, and a notation of academic misconduct entered on the student's transcript. The student appealed on five grounds.

- (1) The President incorrectly determined that the student's conduct, either admitted or as found by the President, constitutes misconduct or the President incorrectly applied a University policy or procedure.

The standard of review for this ground is correctness. The Committee did not find that President's decision was incorrect.

- (2) There was a breach or unfair application of the University's procedure prior to the President's Committee hearing that was raised before the President's Committee but was not adequately remedied through the President's Committee.
- (3) The procedure of the President's Committee was unfair or operated unfairly in that there was bias or lack of independence in the President's Committee, or the President's Committee's procedures were unfairly applied or breached, or the President gave insufficient reasons for his decision.

The standard of review for these two grounds is reasonableness. The Committee found that the President's decision was not unreasonable on these grounds.

- (4) The President erred in his assessment of the evidence in the President's Committee report, including any factual inferences made by the President, or the student's credibility or that of other witnesses.

The standard of review for this ground is reasonableness. A majority of the Committee found that the President's assessment of the evidence in the President's Committee's report was reasonable. A minority of the Committee found that the new evidence could be interpreted to explain why the student made the citation errors that constituted plagiarism, that the President's Committee did not fully consider or give adequate weight to the new evidence, and that this was unreasonable.

- (5) The discipline imposed by the president was excessive.

The standard of review for this ground is reasonableness. A majority of the Committee found that the decision was unreasonable on the basis that the student may not have completely understood some of the processes involved in correct citation and referencing, and that the student's medical situation likely compounded the mistakes and greater account ought to have been taken of it in determining punishment. The Committee decided that the student be allowed to submit and defend a new version of the thesis, that a lesser period of suspension be imposed, and that a notation be entered on the student's transcript. A minority of the Committee found that the exercise of the President's discretion was reasonable, and would have dismissed the appeal.

### **Appeal allowed**

#### **5. 26 April 2012**

The student was disciplined for plagiarizing assignments in all courses while on an exchange program. The discipline imposed by the President was suspension from the University for a period of 12 months, and notations of academic misconduct and failed credits for the courses in which the assignments were plagiarized entered on the student's transcript. The student appealed the length of the suspension on the ground that the discipline imposed was excessive. The standard of review for this ground is reasonableness. The Committee found that the President's decision was not unreasonable, and confirmed that decision.

### **Appeal dismissed**

Respectfully submitted,

Prof. Bruce MacDougall, Chair  
Senate Committee on Student Appeals on Academic Discipline