



3 May 2012

To: Vancouver Senate

From: Senate Committee on Student Appeals on Academic Discipline

Re: **Annual Report to Senate (1 May 2012 – 30 April 2013) (information)**

Members of the Committee:

- Prof. Bruce MacDougall (Chair)
- Mr. Tariq Ahmed
- Prof. Bonnie Craig
- Mr. Brendan Craig
- Mr. Darran Fernandez
- Dr. Sue Grayston
- Mr. Montana Hunter
- Dean Murray Isman
- Mr. Tagg Jefferson
- Dr. Philip Loewen
- Ms. Trish Rosseel

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 2012 to 30 April 2013, the Senate Committee heard seven (7) 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, one (1) was allowed and six (6) 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. 31 May 2012

The student was disciplined for plagiarizing an assignment and group project work from online sources. The discipline imposed 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 the ground that the discipline imposed was excessive. The standard for review for this ground is reasonableness. The Committee found that the President's decision was not unreasonable and confirmed that decision.

Appeal dismissed

2. 5 July 2012

The student was disciplined for submitting work that was plagiarized from that of another student in the same course in a previous term. The discipline imposed by the President was a mark of zero in the course, suspension from the University for a period of 8 months and a notation of academic misconduct entered on the student's transcript. The student appealed on four grounds:

- 1) There student has material evidence that was not reasonably available at the time of the President's Committee hearing.

Where the appeal is under this section and the Senate Committee is satisfied that the material evidence was not reasonably available at the time of President's Committee hearing and there was a substantial likelihood that it would affect the outcome, the Senate committee may send the matter back to the President's Committee for rehearing. The Committee found that the evidence presented by the student was available at the time of the hearing before the President's Committee and would not have substantially affected the outcome of the process before the President's Committee.

- 2) The procedures 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 in sufficient reasons for his decision.

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

- 3) There was a breach or unfair application of the University's procedures 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.



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

4) The discipline imposed by the President was excessive

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

Appeal dismissed

3. 17 July 2012

The student was discipline for submitting several assignments containing text copied from the work of another student in the course. The discipline imposed by the President was a mark of zero in the course, suspension from the University for a period of 4 months and a notation of academic misconduct entered on the student's transcript. The student appealed 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

4. 26 July 2012

The student was disciplined for using unauthorized materials during an examination. The discipline imposed by the President was a mark of zero in the course, a letter of reprimand and a notation of academic misconduct entered on the student's transcript. The student appealed on three grounds:

- (1) The procedures 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 in sufficient reasons for his decision.

The standard of review for this ground is reasonableness. The Committee found a reasonable apprehension of bias in the President's Committee and referred the matter back to the President's Committee for rehearing.

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

Given the Committee's decision on the first ground and the remedy granted as a result, the Committee made no decision on this ground of appeal.



(3) The discipline imposed by the President was excessive.

Given the Committee's decision on the first ground and the remedy granted as a result, the Committee made no decision on this ground of appeal.

Appeal allowed

5. 7 September 2012

The student was disciplined for submitting two components of a final project that were plagiarized from online sources. The discipline imposed was a mark of zero in the course, suspension from the University for a period of four months and a notation of academic misconduct entered on the student's transcript. The student appealed on the ground that the discipline imposed, namely the mark of zero in the course, 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

6. 27 November 2012

The student was disciplined for modifying a graded final examination in an attempt to improve a final course grade. The discipline imposed by the President was a mark of zero on the final examination, suspension from the University for a period of 8 months and a notation of academic misconduct entered on the student's transcript. The President also decided that the student receive no credit towards the completion of a UBC degree for courses taken at another institution during the period of suspension. The student raised three grounds for appeal:

- 1) The student has material evidence that was not reasonably available at the time of the President's Committee hearing.

Where the appeal is under this section and the Senate Committee is satisfied that the material evidence was not reasonably available at the time of President's Committee hearing and there was a substantial likelihood that it would affect the outcome, the Senate committee may send the matter back to the President's Committee for rehearing. The Committee found that the evidence presented by the student was available at the time of the hearing before the President's Committee and would not have substantially affected the outcome of the process before the President's Committee.



- 2) There was a breach or unfair application of the University's procedures 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.

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

- 3) 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 on this ground.

Appeal dismissed

7. 4 December 2012

The student was disciplined for submitting substantially similar final research papers in two courses without obtaining prior approval from the course instructors. The discipline imposed was a mark of zero for final papers in both courses. The student appealed on four grounds:

- 1) The President incorrectly determined that the conduct of the student, 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 the President's decision was incorrect.

- 2) The procedure of the President's Committee was unfair or operated unfairly, in that there was bias or a lack of independence in the President's Committee, or the President's Committee's procedures were unfairly applied or breached, or that the President gave insufficient reasons for his decision.

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

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

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



- 4) 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 on this ground.

Appeal dismissed

Respectfully submitted,

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