



2 May 2014

To: Vancouver Senate

From: Senate Committee on Student Appeals on Academic Discipline

Re: **Annual Report to Senate (1 May 2013 – 30 April 2014) (information)**

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Members of the Committee:

- Prof. Bruce MacDougall (Chair)
- Mr. Tariq Ahmed
- Prof. Bonnie Craig
- Mr. Darran Fernandez
- Dr. Sue Grayston
- Dean Murray Isman
- Ms. Nina Karimi
- Dr. Philip Loewen
- Mr. Tom MacLachlan
- Ms. Mona Maleki
- 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 2013 to 30 April 2014, the Senate Committee heard three (3) appeals involving students disciplined by the President upon the recommendation of the President’s Advisory Committee on Student Discipline. All appeals considered by the Senate Committee during the reporting period 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. 8 May 2013

The student was disciplined for three separate incidents of non-academic misconduct. The discipline imposed by the President was a permanent registration block placed on the academic transcript, a permanent (non-removable) notation of academic misconduct entered on the student's transcript and restrictions on the student's ability to enter upon or to carry out activities upon University Premises, or use University facilities. The student raised six grounds for appeal:

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

The standard of review for this ground is correctness. The Senate Committee may reverse or vary the President's decision or substitute its own decision only if it disagrees with the President's determination or application of the University policy or procedure. The Committee found no evidence to support a finding of incorrectness in the President's application of University policy or procedure.

- 2) The student had 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.

- 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; whether a reasonable person, knowledgeable about the facts, would perceive the process before or at the President's Committee to be unfair. The Committee found that the President's decision was not unreasonable on this ground.

- 4) That 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 that the President gave insufficient reasons for his decision.



The standard of review for this ground is reasonableness; whether a reasonable person, knowledgeable about the facts, would perceive the process before or at the President's Committee to be unfair. The Committee found that the President's decision was not unreasonable on this ground.

- 5) That the President erred in his assessment of the evidence in the President's Committee reports, including any factual inferences made by the President, the student's credibility or that of other witnesses.

The standard for review for this ground is reasonableness. The Senate Committee may reverse or vary the President's decision or substitute its own decision only if the President's assessment of the evidence in the President's Committee report, including any factual inferences made by the President or the credibility of the student or other witnesses, is unreasonable. The Committee found that the President's decision was not unreasonable on this ground.

- 6) That the discipline imposed by the President was excessive.

The standard of review for this ground is reasonableness. The Senate Committee may reverse or vary the President's decision or substitute its own decision only if the exercise of the President's discretion with respect to the discipline imposed is unreasonable. The Committee found that the President's decision was not unreasonable on this ground.

### **Appeal dismissed**

## **2. 12 February 2014**

The student was disciplined for submitting a falsified medical documentation to justify absence from a final examination and plagiarizing two components of an assignment in the same course. 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 the ground that the discipline imposed was excessive. The standard of review for this ground is reasonableness. The Senate Committee may reverse or vary the President's decision or substitute its own decision only if the exercise of the President's discretion with respect to the discipline imposed is unreasonable. The Committee found that the President's decision was not unreasonable on this ground.

### **Appeal dismissed**



### **3. 10 April 2014**

The student was discipline for submitting two assignments that were identical to those submitted by other students. 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 Senate Committee may reverse or vary the President's decision or substitute its own decision only if the exercise of the President's discretion with respect to the discipline imposed is unreasonable. 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