

THE UNIVERSITY OF BRITISH COLUMBIA



Senate Committee on Student Appeals on Academic Discipline
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To: Vancouver Senate

From: Senate Committee on Student Appeals on Academic Discipline

Re: Annual Report to Senate 2007-2008

Members of the Committee:

- Professor Christine Boyle (Chair)
- Mr. Tariq Ahmed
- Dr. Susan Grayston
- Dr. Dale Griffin
- Ms. Wendy King
- Mr. Robert W. Lowe
- Dr. Mahesh Upadhyaya
- Mr. Raymond Pan
- Mr. Geoff Rawle
- Dr. Daniel Weary
- Dr. Jeff Young

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 <http://www.senate.ubc.ca/vancouver/rules.cfm?go=discipline>.

During the period from May 1, 2007 and April 30, 2008, the Senate Committee heard six (6) appeals involving students disciplined by the President on the recommendation of the President’s Advisory Committee on Student Discipline. 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. June 2007

The student was disciplined for academic misconduct for copying answers from the examination paper of another student during a final examination for three courses. Discipline imposed: a mark of zero in all three courses, suspension from the



University for 12 months and a notation of academic misconduct entered on the student's transcript. Appeal with respect to the severity of the disciplinary action; namely that the period of suspension was excessive.

Appeal dismissed.

2. October 2007

The student was disciplined for plagiarizing an assignment. Discipline imposed: mark of zero in the course, suspension from the University for 8 months and a notation of academic misconduct entered on the student's transcript. Appeal with respect to severity of the disciplinary action in comparison to similar cases of academic discipline.

Appeal allowed to the extent that the period of suspension reduced to 3 months and notation of academic misconduct removed from student's transcript. The mark of 0% in the course was not amended.

3. October 2007

The student was disciplined for non-academic misconduct. Discipline imposed: expulsion from the University. Appeal with respect to the severity of the disciplinary action.

Appeal dismissed.

4. October 2007

The student was disciplined for plagiarizing an assignment by copying the work of another student. Discipline imposed: a mark of zero in the course, suspension from the University for 8 months and a notation of academic misconduct entered on the student's transcript. Appeal with respect to the severity of the disciplinary action; namely the notation of academic misconduct.

Appeal dismissed.

5. November 2007

The student was disciplined for failing to disclose information on the application for admission to the University. Discipline imposed: suspension from the University of 12 months and a notation of academic misconduct entered on the student's transcript. Appeal with respect to the severity of the disciplinary action; namely that the period of suspension was excessive.

Appeal dismissed.

6. December 2007

The student was disciplined for cheating on a midterm examination by bringing unauthorized material into the examination room. Discipline imposed: a mark of zero in the course, a letter of reprimand and a notation of academic misconduct entered on the student's transcript. Appeal with respect to severity of the disciplinary action; namely the notation of academic misconduct.

Appeal dismissed.



Concern arising out of appeals heard this year.

During the year, Committee members developed a heightened concern about consistency in student discipline. The Committee asked its chair to share this concern with President Toope, since the President holds the responsibility for imposing student discipline under the *University Act*. There was a division of opinion among Committee members about whether to share the concern more broadly, for example, with the Student Advocacy Office, which often represents students in discipline matters. It was decided to share the concern more publicly via this report to Senate. What follows is the text of the letter, dated November 6, 2007.

I have been asked by members of the Senate Committee on Student Appeals on Academic Discipline to write to you with an expression of concern about consistency in disciplinary penalties imposed on students under the University Act. It may seem unusual for a body such as the Senate Committee to communicate directly with the person responsible for decisions which are the subject of appeal. However, I felt that at the very least, as a matter of courtesy, we should not raise a general concern with Senate without alerting you first. At best, we may be of assistance to you in carrying out your role under the Act or in improving the disciplinary system.

The Senate Committee is very conscious of the importance of academic integrity in a university. As well, it is aware of the need for attention to the varying circumstances of the human beings involved in the disciplinary process. However, bearing in mind this need for attention to individual circumstances, it feels that there should be a reasonable level of consistency in the disciplinary actions taken. Concern about consistency is intermingled with other worries, such as a lack of transparency and a lack of reasons which could explain decisions which might otherwise appear inconsistent. A disciplined student does not have access to all the reports of your Advisory Committee, and even if he or she did, they might not help to explain variations in penalty. Such a student may focus more on a feeling of being unfairly or arbitrarily treated (rather than on how to improve his or her moral judgment), but lack the means either to demonstrate arbitrariness or be reassured that there was been no arbitrary treatment.

Members of the Senate Committee have felt such disquiet on a general level, but have recently encountered what they believe to be cause for more specific concern in the context of a particular case. A student who copied code from the internet was given a zero in the course, a notation and 8 months suspension. Several months later, in three somewhat similar cases, one of which appeared very similar, the discipline was simply a zero and letter of reprimand. In the absence of any information in the relevant reports from your Advisory Committee to assist in distinguishing the cases, or information about a shift in view about the use of notations and suspensions, the Committee felt obliged to decrease the period of suspension and remove the notation. This occurred in spite of the fact that in the past the Committee has dismissed appeals requesting removal of citations.



Decisions based on concern about lack of consistency rather than on a principled position on the issue of what responsibility the university has to alert others in the community to academic misconduct are clearly not satisfactory. The question arises as to how we should address appeals against notations and suspensions in the future where they could be seen as reasonable in themselves but, in the absence of reasons explaining very different disciplinary actions, appear to be arbitrary.

We do not wish to interfere with how you carry out your statutory responsibility, but simply to draw our concern to your attention. If you feel there is assistance we could offer and it is consistent with our role as an appeal body and a Senate Committee, then of course we would be willing to offer such assistance.

The incoming Committee on Student Appeals on Academic Discipline may wish to consider the issue of how to pay attention to individual circumstances while achieving a reasonable level of consistency.

Respectfully submitted,

Christine Boyle,
Professor of Law,
Chair, Senate Committee on Student Appeals on Academic Discipline