

THE UNIVERSITY OF BRITISH COLUMBIA



OKANAGAN SENATE SECRETARIAT Enrolment Services Senate and Curriculum Services

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To: Okanagan Senate

From: Appeals of Standing and Discipline Committee

Subject: 2010/11 Annual Report on Committee Activities (information)

Committee Terms of Reference:

Delegated authority over the following by Senate:

- A. Appeals of decisions of the President on student discipline;
- B. Appeals of final decisions of Faculties on academic standing; and
- C. Appeals of final decisions of Faculties on promotion/advancement.

As per Part 5, Section 27 (b) of the *Rules and Procedures of the Okanagan Senate* and following general legislative practice for a standing committee exercising delegated authority of a larger assembly, the Committee makes an annual report to Senate including the number of appeals heard, their disposition, and the general nature of the appeals.

The Okanagan Senate Appeals of Standing and Discipline Committee is a standing committee of the Okanagan Senate established under section 37(1)(v) of the *University Act*, R.S.B.C. 1996, c.468 as the “standing committee in the final appeal for students in matters of academic discipline.” The Committee also serves as the mechanism for student appeals of faculty decisions under section 40(g).

The following is a brief summary of the appeals heard in 2010/11.

A. **Student Discipline**

Under section 61(1) of the *University 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 6(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 Policies and Regulations section of the UBC Okanagan Academic Calendar (see Policies and Regulations, Student Discipline <http://www.calendar.ubc.ca/okanagan/index.cfm?tree=3,54,0,0>).

The Committee shall allow an appeal where it is decided that one or more of the following has occurred:

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.
2. The student has material evidence that was not reasonably available at the time of the President’s Committee hearing.
3. 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 not adequately remedied through the President’s Committee.
4. 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 or her decision.
5. 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.
6. The discipline imposed by the President was excessive.

Note: Each ground for appeal has a distinct and associated remedy and appeals can only be allowed against the corresponding remedy: e.g.: if the Committee finds that the President incorrectly determined the conduct of the student, the appropriate standard of review is correctness. The Committee may reverse or vary the President’s decision or substitute its own decision if it disagrees with the President’s determination or application of a University policy or procedure.

1. **Academic Misconduct:**

Since May of 2010, the Committee has heard four (4) appeals: one (1) appeal was allowed and three (3) were dismissed.

Appeals Allowed:

The student was disciplined for academic misconduct for plagiarism in a written assignment from uncited sources or copied from another student's assignment. The discipline imposed by the President was a mark of zero for the course in question, a 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 with respect to the severity of the disciplinary action, and that material evidence was now available that was not reasonably available at the time of the President's Committee hearing.

Appeal Allowed: The Committee held that new evidence was now available that was not reasonably available at the time of the President's Committee hearing and remitted the matter back to the President for a rehearing.

Appeals Dismissed:

The student was disciplined for academic misconduct for plagiarism in a research paper from uncited sources. The discipline imposed by the President was a mark of zero for the course in question, a 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 with respect to the severity of the disciplinary action, namely that the period of suspension was excessive. The Committee held that the discipline imposed by the President was reasonable.

The student was disciplined for academic misconduct for plagiarism in a research paper from uncited sources. The discipline imposed by the President was a mark of zero for the course in question, a 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 with respect to the severity of the disciplinary action, namely that the period of suspension was excessive. The student also requested that the notation of academic misconduct be removed from the student's transcript after six months (as opposed to the imposed two years). The Committee held that the discipline imposed by the President was reasonable.

The student was disciplined for academic misconduct for plagiarism in a written assignment from uncited sources or copied from another student's assignment. The discipline imposed by the President was a mark of zero for the course in question, a 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 with respect to the severity of the disciplinary action. The Committee held that the discipline imposed by the President was reasonable.

2. Non-Academic Misconduct:

Since May of 2010, the Committee has heard zero (0) appeals against findings of non-academic misconduct.

B. Academic Standing

The Okanagan Senate has delegated to the Appeals of Standing and Discipline Committee the authority to hear and dispose of student appeals from decisions of faculties in matters of academic standing. The Committee shall allow an appeal where it is decided that the decision of the Faculty was arrived at through improper or unfair procedures, and that as a result, a wrong decision may have been arrived at; however, the Committee has no jurisdiction where the sole question raised in an appeal turns on the exercise of academic judgment by a faculty member. The Okanagan Senate has conferred on the Committee the power of making final decisions pursuant to section 37(1)(b) of the *University Act* (see UBC Okanagan Academic Calendar, Policies and Regulations, Senate Appeals on Academic Standing, section 2: <http://www.calendar.ubc.ca/okanagan/index.cfm?tree=3,53,106,0>).

Students may also appeal to the Committee for contravention of procedure with respect to a Review of Assigned Standing in a Course (see UBC Okanagan Academic Calendar, Policies and Regulations, Review of Assigned Standing in a Course <http://www.calendar.ubc.ca/okanagan/index.cfm?tree=3,294,0,0>).

An appeal allowed by the Committee shall be by:

- reversal of the decision of the Faculty, and the granting of such academic standing to the appellant as the Committee thinks fit in the circumstances; or
- quashing of the decision of the Faculty, and the sending of the matter back to the Faculty to be dealt with in accordance with proper procedures.

Since May of 2010, the Committee has heard two (2) appeals: both appeals were dismissed.

Appeals Dismissed:

The student appealed the decision of the faculty regarding the student's academic standing in a course: the student had requested that their final research paper be graded as an opportunity to pass the course. The Committee held that the decision of the faculty to not grade a research paper that had been submitted past the extended deadline that had been agreed upon by the student and the faculty through a standing deferred was within the terms of the signed standing deferred contract.

The student appealed the decision of the faculties to grant only second-year credit (and not upper-level credit) to two courses taken while on exchange. The Committee held that the decision of the faculties to grant second-year standing in each course was within their purview: a student considering an exchange program is encouraged to submit courses for evaluation and articulation by subject area specialists using appropriate criteria in advance of registration in a partnering institution. The student had failed to follow the appropriate process for course evaluation and articulation.

General Comments and Observations

Academic Misconduct

The Committee wishes to draw to the attention of faculty and departments the importance of following due process in all matters relating to student assessment, promotion, and appeal; of maintaining scrupulous records of course requirements, grade schemes, and student performance; as well as drawing such regulations and requirements to the attention of students. The Committee would also like to emphasize the importance of notifying students of their right of appeal to the Senate Committee when issuing faculty decisions on academic standing.

Overall

The Committee would like to thank the offices of the Deputy Vice-Chancellor, the Vice-President Academic and Provost (Vancouver campus), the Vice-President Research (Vancouver campus), the Vice-President Students, and University Counsel for supporting the efforts of the Committee by co-sponsoring the annual *Foundations of Administrative Justice* workshop. In 2010, three members of the Committee travelled to Vancouver to participate in this two-day foundations course for tribunal appointees and gained tremendous knowledge to apply to their growing experience in considering and adjudicating student appeals.

The Committee renews its commitment to ensuring that students engaged in the appeals process receive justice in as swift a manner as possible under the rules. It would also like to note it maintains detailed records of each appeal and reviews these annually to ensure both consistency and wisdom in its decision-making.

For the Committee,
Mr. Neil Cadger
Chair, Appeals of Standing and Discipline Committee

2010/11 Committee Members:

Mr. Neil Cadger (Chair)
Dr. Fes de Scally
Ms. Lesley Driscoll
Dr. Gareth Jones
Ms. Samantha Larose
Mr. Cecil Norman
Ms. Laura Patterson
Dr. Bernard Schulz-Cruz
Ms. Maria Woodward
Mr. James Ridge (non-voting)