

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER of charges of academic dishonesty made on April 25, 2007;

AND IN THE MATTER of the University of Toronto *Code of Behaviour on Academic Matters*, 1995;

IN THE MATTER of the *University of Toronto Act, 1971*, S.O. 1971, c. 56, as amended S.O. 1978, c.88;

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

X. Z.

Members of the panel:

- Janet E. Minor
- Professor Graham Trope
- Steven Meurrens

Appearances:

- Jack Siegel, for the Student
(the Student not in attendance)
- Lily Harmer, Assistant Discipline Counsel for the University of Toronto

REASONS FOR DECISION

1. Hearing of The University Tribunal was convened to hear six (6) charges under the *Code of Behaviour on Academic Matters*, 1995¹ (the “Code”) laid against the Student, by letter of April 25, 2007 from the Vice-Provost, Academic Professor Edith Hillan.
2. At the outset, Ms. Harmer advised the tribunal that the matter would proceed on an Agreed Statement of Facts (dated August 29, 2007), and that four (4) charges were withdrawn.
3. Counsel for the Student advised that she pled guilty to the two (2) remaining charges:

“ 2. On or about November 3, 2006, you knowingly forged or in any other way altered or falsified an academic record, and/or uttered, circulated or made use of

¹ *Code of Behaviour on Academic Matters*, 1995

such forged, altered or falsified record, namely, a midterm test for the course MGT4751F which you submitted for re-grading, contrary to Section B.I.3(a) of the *Code*

...

5. On or about December 5, 2006, you knowingly forged or in any other way altered or falsified an academic record, and/or uttered, circulated or made use of such forged, altered or falsified record, namely, Quiz 3 for the course LIN2001F which you submitted for re-grading, contrary to Section B.I.3(a) of the *Code*.”

4. The Agreed Statement of Facts, signed by the Student and counsel for the University on August 29, 2007, described the incidents as follows:

“On or about October 24, 2006, the Student wrote the Mid-Term which consisted of 3 questions that students were required to answer within the two hour allotted time period. At the Student’s request and due to a conflict in her class schedule, the Student wrote the Mid-Term earlier than the scheduled time, and she did so alone in an unsupervised office. The Student recorded her answers to the Mid-Term in one test booklet.

On October 31, 2006, Professor Berman returned the graded Mid-Terms to the class. The Student received a grade of 81 which represented the sum of the individual marks of 35, 24, and 22 that had been awarded for her answers to each of the three questions.

After receiving her graded Mid-Term, the Student altered and falsified both the answers and the marks in respect to the three Mid-Term questions. Specifically, the Student enhanced the grades of 35, 24 and 22 that had been recorded to grades of 38, 28 and 25, respectively, increasing the total grade from 81 to 91.

On November 3, 2006, the Student met with Professor Berman and re-submitted the test booklet containing the altered answers and marks. The Student told Professor Berman that there had been a mathematical error in the calculation of her mark, and told him that it ought to have been 91 rather than the 81 that appeared on the cover of the Mid-Term booklet. A copy of the re-submitted Mid-Term booklet is attached to this Agreed Statement of Facts at Tab E.

After examining the Mid-Term booklet that the Student had re-submitted and consulting with his TA, Professor Berman determined that the Student’s original Mid-Term booklet had been altered, in respect of both the answers and the assigned marks, and re-submitted for academic credit.

The Student admitted that she altered or falsified the Mid-Term and re-submitted the altered version of the Mid-Term to Professor Berman for academic credit, contrary to Section B.i.3(a) of the *Code*, and that she did so to improve her grade in the course.

In the Fall of 2006, the Student enrolled in LIN200H1, *Introduction to Language*, a second year course offered by the University's Department of Linguistics. Richard Compton was the course instructor. *Introduction to Language* was a general course which examined a range of topics associated with language. A detailed course outline was provided to students. A copy of the course outline for *Introduction to Language* is attached to this Agreed Statement of Facts at Tab F.

On or about Monday, November 27, 2006, the Student wrote a quiz that was administered during her tutorial session ("Quiz 3"). Quiz 3 comprised 29 multiple choice questions. Students recorded their answers to Quiz 3 on Scantron cards that they submitted to their respective tutorial leaders after completing the quiz. The Student submitted the Scantron card containing her answers to Quiz 3 to her tutorial leader on November 27, 2006.

The graded Scantron cards were returned to the students the following week during their respective tutorial sessions, which, in this Student's case, occurred on Monday, December 4, 2006. During the tutorials, the TAs also reviewed the correct answers to Quiz 3 with the class. The graded Scantrons were placed on the tutorial leader's desk at the front of the room for pickup by the students. The Student retrieved her graded Scantron during the tutorial session on December 4, 2006.

The Student's graded Scantron showed that she had 10/29 correct answers, resulting in a grade of 'F-'. Mr. Compton recorded this grade on CCNet, a web-based course management and class communication tool.

After retrieving her graded Scantron card, the Student changed some of her answers by altering bubble selections that she had initially made when she wrote Quiz 3 on November 27, 2006. Specifically, the Student changed seven of her multiple choice answers from incorrect to correct answers and an eighth correct answer to an incorrect answer.

On December 5, 2006, the Student met with Mr. Compton and re-submitted her altered Scantron card for re-grading. The Student told Mr. Compton that the grade that had been posted for her on CCNet in respect of Quiz 3 did not reflect the answers on her Scantron card. According to the Student, she had correctly answered either 15 or 17 of the 29 questions rather than only the 10 reflected in the posted grade.

After comparing the re-submitted Scantron card with a copy he had made of the Scantron card originally submitted by the Student on November 27, 2006, Mr. Compton detected the alterations to the original answers. A copy of the altered Scantron card is attached to this Agreed Statement of Facts at Tab G. A copy of a printout of the correct answers is attached to this Agreed Statement of Facts at Tab H. A copy of a table summarizing the alterations that the Student made to her answers is at Tab I.

The Student admitted that on or about December 5, 2006, she altered or falsified Quiz 3 by changing her answers and re-submitting the altered version of Quiz 3 for academic credit, contrary to Section B.i.3(a) of the Code, and that she did so to improve her grade in the course.”

5. After reviewing the entire Agreed Statement of Facts, and hearing submissions from both counsel, the tribunal accepted the plea and found that the facts support findings of contraventions of the *Code* as set out in the two charges. It is clear that the Student wrote two tests in the courses described and, after receiving her results, altered her original responses to improve her answers. She re-submitted them as the original in order to improve her grade.

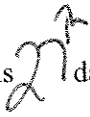
PENALTY

6. The parties’ Joint Submission on Penalty, dated August 29, 2007, assisted the panel. The following sanctions were recommended in the joint submission:
 - suspension from attendance at the University of Toronto for a period of 2 years, from January 1, 2008, or the date of the hearing, whichever is later;
 - assignment of a grade of zero in:
 - MGT475H (Management Science) for the 2006 Fall term;
 - LIN200H (Introduction to Language) for the 2006 Fall term
 - notation on the Student’s transcript from the date of the suspension for a period of 3 years or her graduation from the University, whichever occurs first, to the effect that she was sanctioned for academic misconduct;
 - report to the Provost, who may publish a notice of the decision of the Tribunal and the sanction or sanctions imposed with the Student’s name withheld.
7. Panels give careful consideration to joint submissions on penalty. While not obliged to do so, panels generally accept a joint submission on penalty, unless it is outside a range of penalties reasonable in the circumstances.
8. The factors to be considered when determining penalty are well established:
 - (a) the character of the person charged;
 - (b) the likelihood of a repetition of the offence;
 - (c) the nature of the offence committed;
 - (d) any extenuating circumstances surrounding commission of the offence;
 - (e) the detriment to the University occasioned by the offence;
 - (f) the need to deter others from committing a similar offence.²

9. We have considered and applied these factors. The Student was not in attendance at the hearing. Her counsel advised that she was in China attending to her mother who was suffering from a serious illness. No witnesses were called to present character evidence.
10. The panel took into account that these two incidents were the Student's first offence. She admitted her misconduct. Her willingness to proceed by way of an agreed statement of facts resulted in a shorter hearing, without the attendance of a number of witnesses. The University did not dispute the submission of counsel for the Student that she has had an opportunity to reflect and acknowledges her misconduct was serious and accepts its consequences. The Student has completed all program requirements. She has suffered repercussions from her misconduct in that it has affected her acceptance to a graduate school.
11. The misconduct was serious. It occurred in two (2) incidents, both of which were deliberate and premeditated. The misconduct was designed to unfairly advance her position, undermining the standards of the University and disadvantaging other students.
12. In our view the penalty suggested in the joint submission is appropriate and we so order.

ORDER

- The Student is suspended from attendance at the University of Toronto for a period of two (2) years, commencing January 24, 2008.
- A grade of zero (0) is to be assigned to the Student in:
 - MGT475H (Management Science) for the 2006 Fall term;
 - LIN200H (Introduction to Language) for the 2006 Fall term.
- There will be a notation on the Student's transcript from January 24, 2008 for a period of three years or until her graduation from the University, whichever occurs first, to the effect that she was sanctioned for academic misconduct.
- The decision will be reported to the Provost, who may publish a notice of the decision of the tribunal and sanctions imposed with the Student's name withheld.

Dated at Toronto this  day of June, 2008.



Janet Minor, Chair