

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION**

Members of the Panel:

Janet E. Minor, Associate Chair

Chris Ambidge, faculty member, Department of Chemical Engineering

Maria Kang, student member, Faculty of Arts and Science

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

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

AND IN THE MATTER of disciplinary charges against S.R.

Shaun Laubman, Downtown Legal Services, for S.R.

Lily I. Harmer, Assistant Discipline Counsel, for the University of Toronto

Appearances:

Eric Moore, Senior Lecturer, University of Toronto at Scarborough

Diane Kruger, Forensic Document Examiner

S.R., accused

BACKGROUND

[1] A hearing of the Trial Division of the University Tribunal was convened at 5:00 p.m. on Tuesday, January 21, 2003, in the Falconer Room, Simcoe Hall, to consider the following charges laid against S.R. under the *Code of Behaviour on Academic Matters, 1995*, [the “Code”] by the Vice-President and Provost, Professor Shirley Neuman:

1. In or about December 2001, you did knowingly forge or in any other way alter or falsify any academic record, and/or did utter, circulate or make use of any such forged, altered or falsified

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record, whether the record be in print or electronic form contrary to Section B.I.3.(a) of the *Code*.

2. In the alternative, in or about December 2001, you did knowingly forge or in any other way alter or falsify any document or evidence required by the University, or to utter, circulate or make use of any such forged, altered or falsified document, whether the record be in print or electronic form contrary to Section B.I.1(a) of the *Code*.
3. In the alternative, in or about December 2001, you did knowingly engage in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in order to obtain academic credit or other academic advantage of any kind contrary to Section B.I.3.(b) of the *Code*.

[2] The following particulars were included with the charges laid by Professor Neuman:

1. At all material times you were a student in MATB24H3F taught by Professor Eric Moore and others in the fall of 2001.
2. On or about October 17, 2001 you wrote a mid-term test in MATB24H3F.
3. After receiving the marked term test back you altered the answer given by you to question number 8, and the marks given to you for question 8, as well as the marks reflected on the front page of that term test, and submitted the altered test paper to the University, claiming that an error had occurred in the marking of the mid-term examination such that you should have received a mark of 87/100.

[3] After several hours of evidence followed by extensive argument, the panel retired to consider its verdict. The panel returned and delivered an oral verdict convicting Mr. S.R. The hearing was then adjourned to Wednesday, February 26, 2003 at 5:30 p.m. in the Falconer Room to hear submissions on sanction.

REASONS FOR DECISION (Delivered Orally)

[4] We find Mr. S.R. guilty of the charge in paragraph one, that is, that he on or about December 2001 did knowingly forge or in some other way alter or falsify an academic record and did utter, circulate or make use of such forgery, altered to falsify the record, contrary to section B.I.3.(a) of the *Code*.

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[5] It is acknowledged by Mr. S.R. that page seven, question eight of the exam document is false and was added after the original test was submitted, marked and returned. We conclude that the substitution was done by Mr. S.R. We do not find his explanation that a mysterious, but malicious, monitor of his e-mail managed to obtain his paper and forge a substitute back page at all credible.

[6] We agree with the University's submission that the substituted document was made to support a grade of ten out of ten on question eight (an improvement of nine marks on the originally assigned mark of one out of ten). This in turn would support a final mark of eighty-seven on that test. We do not find credible Mr. S.R.'s explanation that an error had been made by the markers that resulted in the eighty-seven rather than seventy-eight. However, even if there were an error, we could not accept Mr. S.R.'s claim that he would not notice such an error or that he would not have detected it. His evidence was that he is a fighter for every mark and repeatedly resubmitted test results in order to obtain increased marks. In this particular case he asked for the addition to be checked.

[7] We find his position and his evidence not credible by any standard. As a result of our finding on section B.1.3.(a), we do not find it necessary to deal with the alternative charges.

[8] Following the oral delivery of the verdict, the hearing was adjourned to February 26, 2002. At that time the panel heard submissions on sanction. The Assistant Discipline Counsel, on behalf of the University, submitted that the following sanctions would be appropriate:

1. A grade of zero in the course;
2. Suspension from the University of Toronto for a period of two years;
3. A notation on Mr. S.R.'s transcript for three years;
4. Publication in the University newspapers with Mr. S.R.'s name withheld;

Mr. Laubman, on behalf of Mr. S.R., submitted that the following sanctions would be appropriate:

1. A grade of zero in the course;
2. A suspension from the University of Toronto for a period of one year commencing January 1, 2003; and,
3. A two-year notation commencing January 1, 2003.

REASONS FOR SANCTION (Delivered Orally)

[9] Altering or falsifying an academic document is a very significant academic offence. The University relies on the integrity of its students and scholars to maintain its own standards and its institutional integrity. This particular offence was one that

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demonstrated premeditation; it took considerable effort to commit. It wasn't committed in one brief moment of misjudgment.

[10] It was submitted on behalf of the student that the fact the test was not an extremely significant part of the final mark should result in a lighter sanction. However, in this case, the fact that the student made so much effort to advance his position through dishonesty is of great concern to us. In our view, a significant sanction is required to deter future occurrences.

[11] Mr. S.R. is obviously a very able and gifted student who will be given time through this penalty to reflect on the significance of integrity and its role in personal achievement. We sincerely urge him to so reflect and to recommence his academic career, when possible, with these values in mind.

[12] We impose the following sanctions:

1. Suspension from the University of Toronto commencing January 1, 2003 through to August 31, 2004. It is the intent of the Tribunal to permit Mr. S.R. to recommence his studies in September 2004;
2. A notation on Mr. S.R.'s academic record for three years, commencing January 1, 2003 through to December 31, 2005;
3. This case is to be reported to the Provost who may publish it in accordance with the *Code* without use of Mr. S.R.'s name;
4. A grade of zero is to be recorded on Mr. S.R.'s transcript for the course MATB24H3F taken in the fall of 2001.

I certify that this is the decision of the panel:

March 18, 2003

Date

Janet E. Minor

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Associate Chair