THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO
TRIAL DIVISION

IN THE MATTER OF charges of academic dishonesty filed on March 19, 2013 and July 10, 2014

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

AND 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:

THE UNIVERSITY OF TORONTO

– AND –

S[redacted] G[redacted]

Hearing Date: November 28, 2014

Members of the Panel:
Ms. Sana Halwani, Lawyer, Chair
Prof. Ato Quayson, Centre for Diaspora and Transnational Studies, Faculty Panel Member
Mr. Adam Wheeler, Student Panel Member

Appearances:
Mr. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Barristers
Ms. Leslie Salituro, Student Services Assistant, School of Graduate Studies
Prof. Alan Saks, Professor of Organizational Behaviour and HR Management, Department of Management, University of Toronto Scarborough
Ms. Erin McMahon, Governance and Policy Officer, School of Graduate Studies
Prof. Luc de Nil, Dean's Designate, Vice Dean of Students, School of Graduate Studies

In Attendance:
Ms. Sinead Cutt, Administrative Assistant, Appeals, Discipline and Faculty Grievances

Not in Attendance:
Mr. S[redacted] G[redacted], the Student

I. Charges

1. The Trial Division of the Tribunal held a hearing on November 28, 2014 to address the following charges brought by the University of Toronto (the "University") against S[redacted] G[redacted] (the "Student") under the Code of Behaviour on Academic Matters (the "Code"):

March 2014 Charges:

a. In or about September 2012, you knowingly forged or in any other way altered or falsified a document or evidence required by the University, or knowingly uttered, circulated or made use of any such forged, altered or falsified document, namely, a letter dated September 28, 2012 on University of Toronto School of Graduate Studies letterhead to you from Mrs. Leslie Salituro (the "Letter"), contrary to section B.I.1(a) of the Code.

b. In or about September 2012, you knowingly forged or in any other way altered or falsified a document or evidence required by the University, or knowingly uttered, circulated or made use of any such forged, altered or falsified document, namely, a dissertation entitled "Examining the Role of Error Training and Metacognition in Computer Based Learning Environments", contrary to section B.I.1(a) of the Code.

c. In the alternative, in or about September, 2012, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind, contrary to section B.I.3(b) of the Code by:

   i. forging or falsifying the Letter;

   ii. forging or falsifying a dissertation entitled "Examining the Role of Error Training and Metacognition in Computer Based Learning Environments".

July 2014 Charges:

a. In or about February 28, 2012, you knowingly represented as your own an idea or expression of an idea of work of another in connection with a draft of a dissertation entitled "Examining the Role of Error training and Metacognition in Computer Based Learning Environments" ("Dissertation"), contrary to section B.I.1(d) of the Code.

b. In the alternative, in or about February 28, 2012, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in connection with the Dissertation in order to obtain academic credit or other academic advantage of any kind, contrary to section B.I.3(b) of the Code

II. Notice to the Student of the Hearing

2. The Hearing was called for 9:45am and the Student did not appear at that time. The Tribunal therefore recessed for approximately 15 minutes to allow for a late arrival by the Student.

3. The Panel was satisfied that the Student had been properly served, had received notice of the hearing, and that it had the jurisdiction to proceed without the Student in attendance for the following reasons:

a. the University has a clear policy on official correspondence that places the onus on students to maintain and advise the University on the University information system (ROSI) of a current and valid postal address, as well as email address;

b. the charges and notices of hearing were emailed to the Student at his ROSI email address and his Gmail address;

c. the Notice of Hearing is clear that if the Student does not attend, the hearing my take place without him and he will not be entitled to further notice in the proceeding;

d. the Student has been using his Gmail address to communicate with Discipline Counsel and Tribunal Staff as recently as March 6, 2014. The Student had been clearly previously responsive to emails sent to this email address; and

e. at a previous Proceeding Management Conference (on March 10, 2014), the Student – who attended by telephone – was ordered to provide Discipline Counsel and Tribunal Staff with a letter from his surgeon by March 20, 2014. He did not comply. He was also ordered to serve the University with copies of documents to be used at the hearing no later than 7 days prior to this hearing. No documents were so served.

III. Summary of Facts

4. The Panel was advised that the March 2013 charges related to the Letter the Student had allegedly forged, and the July 2014 charges related to the Dissertation.

Background to the Charges

5. The background to these charges is set out in the affidavit of David Steenstra, the Management Department Head in the College of Business at Ferris State University in Michigan ("Ferris State"). The Student joined Ferris State as an associate professor in 2009. At that time he had not yet completed his PhD at the University of Toronto. A condition of the Student's employment with Ferris State was that he would finish his doctoral degree with the University within one year of being hired. This condition was subsequently extended through 2012.

6. In the fall of 2012, the Student was asked to provide evidence of progress on completion of his doctoral degree. In response, the Student submitted his transcript, the Letter and the Dissertation.

7. The Letter was on University of Toronto School of Graduate Studies letterhead and appeared to be signed by Ms. Leslie Salituro. The letter stated, *inter alia*: "You have completed all academic requirements towards degree completion. Your thesis committee and external examiner have suggested minor changes and modifications in your

dissertation. You are required to make such changes and submit four copies of the completed dissertation to the School of Graduate studies by December 10, 2012."

8. The Panel heard from the following witnesses:

   a. Prof. Alan Saks, Professor of Organizational Behaviour and HR Management, Department of Management, UTS;

   b. Ms. Leslie Salituro, Student Services Assistant, U of T School of Graduate Studies;

   c. Ms. Erin McMahon, Governance and Policy Officer, U of T School of Graduate Studies; and

   d. Prof. Luc de Nil, Vice Dean of Students, U of T School of Graduate Studies.

The Student's Inability to Complete his PhD

9. Prof. Saks testified that he has been the Student's supervisor for four years total, until the end of 2012, when he was removed from the program, for not completing his dissertation. In his capacity as supervisor, Prof. Saks assisted the Student in laying out a clear timetable to complete his PhD by December 2012, as he was obliged to do. In that timetable, the Student was to have completed his dissertation by early September to provide time for review and his defence.

10. On February 28, 2012, the Student provided Prof. Saks with a draft of his dissertation (by email) to "reassure" him that he had been working on his thesis, but stated that the version he was attaching was "not ready for [his] review". He also stated that he would clean the draft up and provide a revised draft by "the end of next week".

11. As such, Prof. Saks did not review the draft in detail but simply took a look at it to ensure that there had been some progress made. Despite assurances that a revised copy would be forthcoming, Prof. Saks never received another draft.

12. In July 2012, Prof. Saks contacted the Student to follow up on the dissertation and advised the Student that "Ideally, the committee members should have your complete dissertation as soon as possible, preferably sometime in August, so that there is time to provide you with feedback. Please let me know how you are progressing and if you will be

able to provide us with the complete dissertation sometime in August." In response, the Student said that he would have a complete draft ready before August 15.

13. However, no drafts were received before this date and on August 21, 2012, the Student wrote saying that he would be sending the thesis within the week and was hoping to visit Toronto in the next few weeks to get effective feedback. Despite these assurances, Prof. Saks never received any other drafts and the Student never visited.

14. On November 6, 2012, Prof. Saks received an email from Prof. Steenstra at Ferris State inquiring about the Student's anticipated completion date. Following this email, the two professors had a telephone conversation in which Prof. Saks stated that the Student should have submitted his dissertation in August and that it was no longer possible for him to defend in time.

15. Prof. de Nil – the Dean's Designate – provided testimony regarding the Student's registration status. He testified that the Student's registration with the University had lapsed in 2010 and he had been reinstated in 2012. The condition of his reinstatement was that he was to complete his degree in one year, and failure to do so meant he could no longer complete his degree absent exceptional circumstances. As such, by the end of 2012, he was no longer eligible to complete his degree.

The Letter

16. Following the conversation in November between Prof. Steenstra and Prof. Saks in November 2012, Prof. Steenstra emailed Prof. Saks again to ask about the Letter and attached a copy of the Letter. In particular, given that the Student's dissertation had not been submitted to his committee, he asked "why would this letter indicate that only minor modifications of the dissertation are required by his committee?" This was the first time that Prof. Saks had seen this letter or been made aware of it.

17. Prof. Saks forwarded the Letter to the assistant administrator and was advised that the School of Graduate Studies had not written the letter. He advised Prof. Steenstra of this fact on November 12, 2012.

18. On November 21, 2012, Prof. Steenstra advised Prof. Saks that the Student had resigned from his position at Ferris State.

The Dissertation

19. During this period, it came to Prof. Saks' attention that Prof. Steenstra had been provided with the Dissertation, that he had reviewed it, and that he had found sections of it to be plagiarized. Prof. Saks provided the Panel with evidence of the plagiarism in the Dissertation. In sum, the Dissertation appears to be a patchwork of paragraphs taken verbatim from other papers.

20. Counsel helpfully provided the Panel with a colour coded copy of the Dissertation and the relevant other papers, identifying the origin of paragraphs in the Dissertation that had been taken from these papers. It appears that 75% or more of the Dissertation has been taken from these sources. The text taken from these sources was verbatim or near verbatim but was not marked by quotation marks.

21. Ms. Salituro provided testimony about the allegedly forged Letter. She testified that the Letter, which was purportedly written by her to the Student, was not written by her at all. More specifically, Ms. Salituro noted that the formatting of the address was "wrong"; that she would not be aware of any of the information contained in the letter; that it was indeed her signature but she did not sign this letter; and that she had never written anything like this for any student.

22. Ms. McMahon[1] testified that she wrote the Student an email on December 11, 2014, inviting the Student to attend a meeting on December 13, 2012 with Vice Dean De Nil to discuss the allegation that he had forged the Letter. This meeting was rescheduled for December 18, and following the meeting Ms. McMahon was asked to contact Prof. Steenstra of Ferris State to obtain additional information regarding the Letter. In January 2013, the Student was advised that his case would be forwarded to the Dean's Designate.

IV. Finding on Charges

23. Following deliberation and based on the testimony of Ms. Salituro, Prof. Saks, Ms. McMahon and Prof. de Nil, and on the evidence in the affidavit of David Steenstra, the Panel concluded that the following charges had been proven:

[1] Ms. McMahon was the Governance and Policy Officer handling cases of academic integrity for the School of Graduate Studies from April 2012 to August 2014. She was therefore responsible for handling the Student's case.

i. one count of knowingly forging or in any other way altering or falsifying a document or evidence required by the University of Toronto, or uttering, circulating or making use of such forged, altered or falsified document, contrary to section B.I.1(a) of the Code;

ii. one count of knowingly representing as his own the idea or expression of an idea or work of another, contrary to section B.I.1(d) of the Code; and

iii. one count of engaging in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code, in order to obtain academic credit or other academic advantage of any kind, contrary to section B.I.3.(b) of the Code.

V. Penalty

24. Counsel for the University submitted that given the "shocking" combination of forgery and plagiarism, the appropriate penalty was the most serious the Panel could impose, namely an immediate five-year suspension and a recommendation that the Student be expelled.

25. Counsel focussed on the following characteristics of the Student's actions as relevant to penalty:

a. The Student chose not to appear and was entirely non-responsive to the process after March 2014.

b. Because he could no longer be reinstated, the Student was no longer eligible to complete his degree.

c. The Student took steps to deliberately mislead faculty and staff at another university with the forged letter, and the scope and extent of the plagiarism in the Dissertation could have called into question the reputation of the University.

d. The Student's behavior had fundamentally and irretrievably broken his relationship with the University.

26. Counsel for the University also made submissions that the plagiarism in the Dissertation by itself would warrant a recommendation of expulsion. When combined with the forgery, the actions of the Student rise to the level of "shocking".

27. Counsel further provided submissions that expulsion of the Student would send a clear message of both specific and general deterrence. The expulsion would be recorded on the Student's permanent record and would be published in a notice of decision.

28. The Panel accepted the submissions of Counsel as to the appropriate penalty, and saw fit to impose a suspension of five years and to recommend expulsion, as sought by the University. This severe sanction is necessary in particular because the Student submitted both the forged Letter and plagiarised Dissertation to another academic organisation, which could have been misled into believing that the University is lax in its standards.

VI. Decision of the Panel

29. At the conclusion of the hearing, the Panel conferred and made the following order:

    a. the hearing may proceed in the absence of the Student;

    b. the Student is found guilty of:

        i. one count of knowingly forging or in any other way altering or falsifying a document or evidence required by the University of Toronto, or uttering, circulating or making use of such forged, altered or falsified document, contrary to section B.I.1(a) of the Code;

        ii. one count of knowingly representing as his own the idea or expression of an idea or work of another, contrary to section B.I.1(d) of the Code; and

        iii. one count of engaging in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code, in order to obtain academic credit or other academic advantage of any kind, contrary to section B.I.3.(b) of the Code;

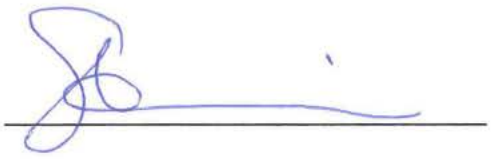
    c. the following sanctions shall be imposed on the Student:

i. the Student shall be immediately suspended from the University of Toronto for a period of up to 5 years from the date of this order or until Governing Council makes its decision on expulsion, whichever comes first, and that a corresponding notation be placed on his academic record and transcript;

ii. the Tribunal recommends to the President of the University that he recommend to the Governing Council that the Student be expelled from the University; and

iii. this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the name of the student withheld.

DATED at Toronto, May 11, 2015



Sana Halwani, Co-Chair