

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL**

IN THE MATTER OF charges of academic dishonesty filed on January 26, 2017

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:

UNIVERSITY OF TORONTO

and

X [REDACTED] L

REASONS FOR DECISION

Hearing Date: May 14, 2018

Members of the Panel:

Mr. Paul Michell, Chair
Professor Pascal van Lieshout, Faculty Panel Member
Ms. Alexis Giannelia, Student Panel Member

Appearances:

Ms. Tina Lie, Assistant Discipline Counsel for the University, Paliare Roland Barristers
Ms. Hailey Bruckner, Articling Student, Paliare Roland Barristers

In Attendance:

Ms. Tracey Gameiro, Associate Director, Appeals, Discipline and Faculty Grievances
Dr. Kristi Gourlay, Manager & Academic Integrity Officer, Office of Student Academic Integrity, Faculty of Arts and Science
Professor Ryan Balot, Department of Political Science, Witness for the University
Mr. Zhichao Tong, Teaching Assistant, Witness for the University
Mr. Sean Lourim, Technology Assistant, Office of the Governing Council

Not In Attendance:

Ms. X [REDACTED] L, Student

A. Charges

1. This panel of the University Tribunal held a hearing on May 14, 2018 to consider charges brought by the University of Toronto against X [REDACTED] I [REDACTED] (the “Student”) under the *Code of Behaviour on Academic Matters, 1995*.
2. The charges were set out in a letter to the Student dated January 26, 2017:
 1. On or about April 28, 2016, you knowingly forged or in any other way altered or falsified a document or evidence required by the University, or uttered, circulated or made use of such forged, altered or falsified document, namely an essay entitled “To Build an Ideal State” that you submitted for re-grading in POL200Y1, contrary to section B.I.1(a) of the *Code*.
 2. In the alternative, on or about April 28, 2016, by submitting an essay entitled “To Build an Ideal State”, which had been altered from its original form, for re-grading in POL200Y1, 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*.
 3. On or about May 4, 2016, you knowingly forged or in any other way altered or falsified a document or evidence required by the University, or uttered, circulated or made use of such forged, altered or falsified document, namely a Turnitin Digital Receipt that you submitted to Professor Ryan Balot, contrary to section B.I.1(a) of the *Code*.
 4. In the alternative, on or about May 4, 2016, by submitting a Turnitin Digital Receipt that had been forged, altered or falsified to Professor Ryan Balot 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*.
3. The Student is an undergraduate in the Faculty of Arts and Science.
4. The Student did not attend the hearing, nor did counsel appear on her behalf. The Tribunal called the hearing to order shortly after the scheduled 5:45 p.m. start time. Since the Student was not present, we waited for 15 minutes. She did not appear after that period elapsed, nor during the course of the hearing that followed for several hours.

B. Notice and Hearing in the Student's Absence

5. The Provost asked the panel to find that the Student had been provided with proper notice of the hearing, and to order that the hearing should proceed in the Student's absence. The panel did so, for the following reasons.

6. The hearing was originally set for November 3, 2017, pursuant to a notice of hearing dated August 25, 2017. On November 2, 2017, the Student sought an adjournment of that first hearing date so that she could retain counsel. The Provost consented on the condition that the rescheduled hearing be made peremptory to the Student. William McDowell, the chair of the panel that had been set for the first hearing date, granted the adjournment on that basis.

7. The hearing was rescheduled for February 12, 2018. A copy of a notice of hearing dated January 3, 2018 for this second hearing date was sent to the Student. She did not respond to multiple emails from counsel for the Provost regarding the rescheduled hearing. Only on February 12, 2018 did the Student emerge, advising that she had retained counsel, and that Mattias Memmel, the then-president of the University Students' Union, would attend the hearing on her behalf to request an adjournment. Mr. Memmel provided a letter from Dr. Natasha Snelgrove of the University's Health & Wellness Centre in support of the Student's request.

8. A proceedings management case conference was held on the afternoon of February 12, 2018. Cheryl Woodin, chair of the panel that had been scheduled for that hearing date, adjourned the hearing, but only on certain conditions, including that a third hearing date would be scheduled to take place before April 30, 2018, and would be peremptory to the Student.

9. A further case management conference before Ms. Woodin proceeded on February 26, 2018. Mr. Memmel advised that the Student was still in the process of retaining counsel.

10. A subsequent case management conference was scheduled for March 12, 2018, but it was rescheduled to March 19, 2018 at the Student's request, again through Mr. Memmel.

11. On March 19, 2018, Mr. Memmel and William Chang of DLS attended the rescheduled case management conference on behalf of the Student. Mr. Chang advised that he would represent the Student if the April 30, 2018 hearing deadline (which she had set on February 12, 2018) were to be extended to May 31, 2018. Ms. Woodin agreed to this request, but again imposed conditions, including that the Student would retain DLS by March 21, 2018, and that the rescheduled hearing date would be preemptory to the Student.

12. Counsel for the Provost and Mr. Chang agreed to schedule the third hearing date for May 14, 2018. A notice of hearing for that date (itself dated April 9, 2018) was sent to Mr. Chang. It indicated that the May 14, 2018 hearing date would be preemptory to the Student.

13. On May 8, 2018, Denna Jalili of DLS, who had assumed carriage of the Student's file from Mr. Chang, advised counsel for the Provost that since DLS was having difficulty obtaining instructions from the Student, it would be withdrawing as her counsel. Mr. Jalili confirmed this advice on May 9, 2018, and provided an email address and phone number for the Student (which were in addition to the Student's utoronto email address and phone number listed in ROSI).

14. Counsel for the Provost sent emails to the Student at the two email addresses, advising that the Provost intended to proceed with the May 14, 2018 hearing. She received no response. Efforts to contact the Student at the phone number that DLS had provided (and at the phone number listed for the Student in ROSI) were unsuccessful.

15. The Student did not seek an adjournment of the hearing.

16. Based on this evidence, the Tribunal found that the University had provided the Student with reasonable notice of the hearing and the charges made against her in accordance with rules 9, 13 and 14 of the Tribunal's *Rules of Practice and Procedure* and section 6 of the *Statutory Powers Procedure Act*. The Tribunal ordered that the hearing should proceed in the Student's absence, as rule 17 of the *Rules* and section 7 of the *Act* permit.

C. Liability

1. The Provost's witnesses

17. At the hearing, the Provost called evidence from three witnesses:

- Professor Ryan Balot, a Professor in the Department of Political Science, who taught the POL200Y1 political theory course in 2015-2016;
- Mr. Zhichao Tong, a doctoral student in the Department of Political Science, who was a teaching assistant for the POL200Y1 course in 2015-2016; and
- Dr. Kristi Gourlay, Manager & Academic Integrity Officer, Office of Student Academic Integrity ("OSAI"), Faculty of Arts and Science.

18. Since the Student did not attend the hearing and called no evidence, we have pieced her account of events together from her emails and other correspondence in the record.

2. The Student's essay(s)

19. The conduct at issue arose from an essay the Student wrote for Professor Balot's POL200Y1 course in 2015-2016. The essay was the third essay required for the course, and was worth 30% of the final grade. The case syllabus specified a 2,750 word limit for the essay: a handout setting out the essay topic (which involved a comparison of Machiavelli and Hobbes' conceptions of the purpose of government) specified a 2,500 word limit. Professor Balot described the latter word limit as a "typo", but in our view nothing turns on this point.

20. Students in the course were allocated to a tutorial group led by a teaching assistant. The Student was in Mr. Tong's tutorial group. Students were advised in the "Guidelines for Papers" section of the course syllabus (and in the handout described above) that essays were to be turned in to their tutorial group teaching assistant in hard copy on the due date unless the teaching assistant made other arrangements. (Mr. Tong also permitted students to submit essays to him in electronic form). The syllabus advised that students should retain a hard copy of their essays, along with their rough and draft work, and that in the normal course students were required to submit course essays to Turnitin.com as an anti-plagiarism control mechanism.

21. The parties agree that the Student submitted her third essay ("To Build an Ideal State") in hard copy to Mr. Tong at his tutorial group meeting between 5 and 6 p.m. on March 30, 2016. They also agree that she did so only after she had already electronically submitted a copy of a 2321-word essay with the same title to Turnitin.com earlier that same day. Mr. Chang marked the hard copy the Student had handed in to him, handwrote at least one comment on it, and returned it to the Student in April 2016. She was unhappy with her grade. On April 28, 2016, she initiated the re-grading process, and submitted a 2766-word essay with the same title for this purpose. However, the parties disagree as to which version of the essay the Student submitted to Mr. Tong, when she submitted her essay to Turnitin, and some other details.

22. In outline, the Student's account is that she submitted her shorter, unrevised essay in electronic form to Turnitin very early in the morning (12:36 a.m.) on March 30, 2016. She then made further revisions to it, and handed in a longer, revised version in hard copy to Mr. Tong at her tutorial later that afternoon. She says that the essay that Mr. Tong marked in hard copy and returned to her was this longer, revised version, and that it was this same longer, revised version that she resubmitted on April 28, 2016 to seek re-grading.

23. The Provost's position is starkly different. First, she argues that although the Student submitted a copy of her essay in its shorter, unrevised form to Turnitin on March 30, 2018, she did not so until 1:39 p.m. (not at 12:36 a.m., some 13 hours earlier, as the Student claims). Second, the Provost says that the hard copy that the Student handed in to Mr. Tong later that afternoon was the same shorter, unrevised version that she had submitted to Turnitin at 1:39 p.m. The Provost argues that the Student revised and lengthened her essay only later, *after* Mr. Tong had marked her shorter, unrevised version and returned it to her with a grade and his comments. Thus, the Provost argues, the essay that the Student submitted for re-grading on April 28, 2016 was *not* the same version that she had initially submitted in hard copy to Mr. Tong on March 30, 2016. Rather, it was a longer, revised version of that earlier essay, which the Student revised only after she had handed in the shorter, unrevised version to him.

24. As we indicated at the hearing, in our view the evidence supports the Provost's account. Based on our review of the evidence, we find it more likely than not that the Student committed offences 1 and 3 as charged. We explain our reasoning for these conclusions below.

25. As set out above, the Student handed in a hard copy of an essay entitled "To Build an Ideal State" to Mr. Tong by the March 30, 2016 deadline. He marked the essay and returned it to her, with some handwritten comments. Mr. Tong assigned her a 56% grade. The Student said at the time that the only comment he wrote on the hard copy was "This essay is incomplete". Mr. Tong testified before us that he would not have written only a single comment, since that is not how he grades. There was no copy of the marked hard copy of the essay in evidence. Mr. Tong testified that he did not retain a copy of the Student's essay with his comments before returning it to her. We do not fault him for that. We note that in *O.S.* [Case No. 824; June 15, 2016], at para.

8, and in *L.D.* [Case No. 816; July 27, 2016] at para. 6, the course instructor made digital scans of student tests before returning them, but that may be an unrealistic expectation more generally.

26. For her part, the Student advised Professor Balot in an April 29, 2016 email that she was so upset by the grade and Mr. Tong's comment on her essay that she "literally tore it to pieces and cried myself to sleep that day." (We note that in what purport to be contemporaneous text messages that the Student later provided to the University in support of her position, the Student put forward a different, and only-slightly-less-dramatic explanation for her inability to produce a copy of the marked essay: that she was "crying and stuff and running out of the room", and "just tossed [the essay] onto the floor [in a campus building] when nobody was looking").

27. The absence of a hard copy of the essay requires us to make findings about two things: whether Mr. Tong wrote anything beyond "This essay is incomplete" on the essay, and which version of the essay the Student submitted to him and he returned with a grade and comments. The two points are related. In our view, the evidence supports Mr. Tong's explanation, not the Student's. His evidence was that one of the comments he wrote on her essay was that she had not adequately addressed the concept of "glory". This evidence is important, because one key difference between the two versions of the Student's essay is that only the longer, revised version addresses the concept of glory in any detail. Attached to the April 28, 2016 email that the Student sent to Mr. Black were photographs of some handwritten comments that Mr. Tong had made on her second essay. The Student sent these photographs to Mr. Black in an effort to show that his comments on her earlier essay had been unhelpful, but we view this as evidence that it is unlikely that he wrote only the single comment she attributes to him on her third essay.

28. For these reasons, we find that Mr. Tong wrote more detailed comments on the hard copy that he returned to the Student, and that the hard copy was the shorter, unrevised version of her essay. We set out further reasons below in support of the second point.

3. The Student seeks a re-grading

29. After the Student received the marked essay from Mr. Tong, she sought a re-grading. This was a stepped process: students were to begin by requesting a re-grade from the teaching assistant for their group (here, Mr. Tong), with the ability to escalate the request to the head teaching assistant for the course (Zachariah Black), and eventually to Professor Balot himself.

30. On April 28, 2016, the Student wrote directly to Mr. Black, seeking to “appeal” her grade on the basis that she had been “unfairly marked.” She said she was apprehensive that Mr. Tong would not treat her fairly, and concerned about the effect her request might have on the participation mark for the course, which Mr. Tong had yet assigned. She enclosed a one-page “Request for Re-evaluation” making her case, and attached an electronic copy of the longer, revised version of her essay. She claimed that after she had submitted her essay to Turnitin, she discovered that her essay had not been organized into “one topic per paragraph” form, and that “it was missing a little bit of content”, so that in the hard copy she handed in to Mr. Tong, she had “made a few alterations.” We address the accuracy of these statements below.

31. When Mr. Black told her that he could no longer accept grade appeal requests (apparently because the request was late: we need not address that issue), the Student wrote directly to Professor Balot. He asked her for a scanned copy of the marked paper. That was when she told him she had “tor[n] it to pieces”.

32. Professor Balot sought Mr. Tong's input. Mr. Tong said he had marked the shorter version. Before us, Mr. Tong testified that his practice when marking student papers in hard copy was to compare them with the electronic version the student had submitted to Turnitin, to which he had access. For that reason, his view was that the hard copy of the Student's essay that he had marked was the shorter, unrevised version that she had submitted to Turnitin in March 2016, not the longer, revised version she sent to Mr. Black in April 2016 to be re-graded. He indicated to Professor Balot that the version of the essay that the Student had submitted for re-grading was not the version he had marked and returned to her. We accept Mr. Tong's evidence on this point.

4. Professor Balot's concerns

33. Professor Balot examined the document properties of the electronic versions of the essay the Student had submitted to Turnitin and the essay she had submitted for re-grading. He identified differences between them. He followed up with the Student to confirm details about when she had handed in the hard copy to Mr. Tong, and what Mr. Tong had written on the hard copy he had returned to her. In an April 30, 2016 email, she told him that after submitting her essay to Turnitin, she had "made a few emergency changes to the final hardcopy" before submitting it to Mr. Tong at the March 30, 2016 tutorial between 5 and 6 p.m. We address the accuracy of this description below. Professor Balot responded that he was "puzzled" by how she could have made such significant revisions to her essay in such a short time period. In response, the Student claimed that the time window for revisions was larger than he thought, because she had submitted the unrevised version to Turnitin "really late on the evening of March 29th", so that she had had "all the time from roughly 2-3am to 4pm" on March 30 to make revisions.

34. Professor Balot remained concerned. He accessed Turnitin, which indicated that the Student had submitted the shorter, unrevised essay at 1:39 p.m. on March 30, 2016. Consistent

with this, the document properties for that version indicated that it had last been edited at 1:38 p.m. that same day, just before it was submitted to Turnitin. He also noted that the electronic version of the essay that she had submitted for re-grading had last been edited on April 28, 2016.

35. He raised these concerns with the Student. She responded with a lengthy email on May 3, 2006, in which she accused Mr. Tong of not liking her and having been condescending to her, explained that she had repeatedly re-read the essay on her computer after she had received the poor grade, “trying to make sure just what I did wrong to deserve this”, and stated that she had spent a great deal of time emailing others on campus “just to make sure that I am not insane” and to persuade herself that she had been “unfairly graded”. The Student denied that she had submitted the shorter, unrevised version of her essay to Turnitin “that late in the day”, and offered to forward the Turnitin digital receipt she had received to him to confirm her explanation.

36. The next day, the Student forwarded what purported to be screenshot of a pdf version of the receipt to Professor Balot. It indicated that she had submitted her essay to Turnitin at 12:36 a.m. on March 30, 2016. Professor Balot was not persuaded. He told the Student in a May 10, 2016 email that she appeared to have submitted a revised essay to him for re-grading, and that the essay that she had initially submitted to Mr. Tong had been the shorter, unrevised version (not the longer, revised version, as she had claimed). He expressed the concern that she had altered or fabricated the copy of the receipt she had sent to him, and that she had actually submitted the shorter, unrevised version of her essay to Turnitin at 1:39 p.m. on March 30, 2016, more than 13 hours after she claimed to have done. He sought an explanation from her.

37. There was no evidence before us of the Student’s response.

5. The Student meets with the Dean's Designate

38. Professor Balot also raised his concerns about the Student's conduct with Dr. Gourlay. Dr. Gourlay's office contacted Turnitin and was advised that the receipt with the 1:39 p.m. time stamp was accurate, and that it was "not possible" to have a valid receipt with a different time or date. She also did a comparison of the two versions of the Student's essay, which illustrated the substantial differences (both additions and deletions) between the two. She initiated a formal academic integrity process under which the Student was advised by email of allegations that she had committed academic offences. The Student was invited to attend a meeting with the Dean's Designate. The Student met with the Dean's Designate, Professor Don Dewees, on September 1, 2016. Dr. Gourlay also attended, and took detailed notes.

39. At the meeting, the Student was cautioned, as section C.i.(a)(6) of the *Code* requires. She denied committing the offences, and a discussion ensued. Professor Dewees indicated that he was not persuaded by the Student's explanation, and told her that he would send her case to the Tribunal unless she was willing to resolve the issue at the Divisional level.

40. In the following weeks, the Student expressed a willingness to resolve the matter at the Divisional level. But when Dr. Gourlay indicated that this would require her to acknowledge that she had committed the academic offences at issue, the Student responded on October 21, 2016 with a lengthy and detailed letter with attachments, including screen shots of text message exchanges with a friend. The Student took the position that she could not acknowledge having committed the offences, claiming that her rights had been violated, complaining about her treatment by Mr. Tong, objecting to the University's evidence, denying that she had provided falsified documents, a long explanation as to why any admission of responsibility would be made under duress, and raising concerns about her physical and mental health. The Student later

followed up with further documents. When it became clear through subsequent email exchanges that the Student was unwilling to sign the admission letter that was a precondition to resolution of the University's concerns at the Divisional level (as was her right, of course), the matter was referred to the Tribunal.

6. The Panel's conclusion

41. Our conclusion was that on the balance of probabilities, the evidence established that the Student had materially altered her original essay *after* she received the hard copy back from Mr. Tong with his comments on it, and that the version that she had initially submitted to him was the shorter, unrevised version she had submitted to Turnitin. This conduct falls within the scope of the first charge. We reach this conclusion for several reasons.

42. First, there are material differences between the two versions of the Student's essay, including at least one new section. This means that even on the Student's theory, the version of the essay that she submitted to Mr. Tong in hard copy would have been materially different from the version she had submitted earlier in the day to Turnitin. Whether this would be an academic offence in itself is a question which, in light of our findings, we need not determine. But it is obvious that the anti-plagiarism function of Turnitin cannot function properly if the essays that students submit to it are materially different than the versions that they submit to be graded.

43. Second, those additions and revisions were more extensive and material than the Student's description of them at the time. Even if we were to accept the Student's theory, her description of the changes in her April 28, 2016 email to Mr. Black (quoted in para. 30 above), and her description of them in her April 30, 2016 email to Professor Balot (quoted in para. 33 above) were misleading, and seriously understated the extent of the differences between the two versions. In our view, the Student sought to downplay those differences in an effort to make her

explanation about the timing of her submission to Turnitin and the version of the essay she handed in to Mr. Tong appear more plausible.

44. Third, some of the revisions and additions respond to the note that Mr. Tong says he made on the hard copy of the essay that he graded and returned to the Student. He noted that she had not addressed the concept of glory: the revisions she made (particularly the new section) answered that suggestion. There would have been no reason for him to identify this concern if the version of the essay she had handed in to him in hard copy had been the longer, revised version that already included a section on glory.

45. Fourth, the text message exchanges with a friend that the Student included with her October 21, 2016 letter (referred to in para. 40 above) provide evidence that the hard copy essay she handed in to Mr. Tong was the shorter, unrevised version. In those text messages, the Student expressed concern that she had been given a low grade because of the essay's word length. This would make sense only if the version the Student had handed in to be marked had been the shorter, unrevised version (2,321 words), not the longer, revised version (2,766 words).

46. Similarly, we find that it is more likely than not that the screenshot of the Turnitin receipt that the Student sent to Professor Balot on May 4, 2016 was forged, altered or falsified, at least in part. As in the recent decision in *Y.X.* [Case No. 952; April 19, 2018] at para. 33, it is unnecessary for us to determine whether the Student forged the receipt herself, or obtained the assistance of a third party to do so. In either case, she knowingly submitted the receipt to the University to seek academic advantage, in this case in an effort to bolster her explanation that the version of the essay she had submitted to Mr. Tong was the longer, revised version, with the inference that she had not revised the essay after she had revised the hard copy back from Mr.

Tong. The *Code* treats the knowing uttering, circulating or making use of a forged or falsified document as severely as knowingly forging or falsifying it.

47. For these reasons, we found the Student guilty on the first and third charges.

48. Given our conclusion, the Provost withdrew the second and fourth charges.

D. Sanction

49. The Provost sought an order imposing the following sanctions on the Student:

- (a) she receive a zero grade in POL200Y1;
- (b) she be suspended from the University for three years, commencing on the date the Tribunal renders its decision;
- (c) a notation be placed on the Student's academic record and transcript for a period of four years from the date that the Tribunal renders its decision; and
- (d) the decision be reported to the Provost, for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the Student's name withheld.

50. Counsel for the Provost called no further evidence during the sanction phase of the hearing. She submitted a book of authorities, and referred to several cases in argument. We discuss some of those cases below.

51. After deliberation, we advised that we would reserve our decision on sanction. We have now considered the matter further, and set out our decision and reasons on sanction below, organized around the familiar factors from *Mr. C.* [Case No. 1976/77-3; November 5, 1976].

52. As a preliminary point, we note that there were two separate offences here: the alteration of the Student's essay before she submitted it for re-grading, and her use of a forged Turnitin

receipt. These offences were related, in that the Student submitted the latter in an effort to deflect inquiries about the former, but they were and should be viewed as distinct offences.

53. *Nature of the offences and detriment to the University.* First, a student who submits an essay or test, receives it back with a grade and/or comments, and then alters the essay or test in a material way before resubmitting it for re-grading, commits a serious offence: *N.B.* [Case No. 538; August 14, 2009] at p. 14. The re-grading process provides students with the opportunity to have an academic assignment reviewed with fresh eyes, and consideration given as to whether the grade given and comments made were a fair and reasonable evaluation of the quality of the student's work. This process only functions properly if the academic assignment is the same one that the student originally submitted to be graded: hence, the "re" in "re-grading." The process is *not* an opportunity for students to submit a different or substantially altered version of the original assignment and to pass it off as the original, unrevised version that was first submitted: *L.Y.* [Case No. 883; July 11, 2017] at para. 19. Such conduct undermines the University's academic integrity, is unfair to other students, and erodes the trust that necessarily underlies the teaching process, as noted in *F.M.* [Case No. 522; May 5, 2009] at para. 42.

54. At a large university where undergraduate classes often have hundreds of students, one of the key relationships that students have is with their teaching assistants, who play a critical role. Comments from a teaching assistant on a student's academic assignment provide an important personal dimension to the undergraduate experience. An academic structure that relies on teaching assistants providing such comments to students depends upon the integrity of students' dealings with teaching assistants. The Student's deceptive conduct here is corrosive of that trust.

55. The use of the forged Turnitin receipt is also concerning. While the document forged here was not a transcript or academic record, the Tribunal views the Student's offence as being almost as serious. In imposing a penalty for making use of a forged or falsified document, we have considered several principles, recently outlined in *J.Z.* [Case No. 928; June 5, 2017] at paras. 18-21, which, suitably modified, are set out below:

- Using a forged or falsified document is a serious academic offence
- Forgery may be difficult to detect, so deterrence is a significant consideration
- By its nature, forgery is only rarely the product of negligence or inadvertence. More commonly, it is the product of planning and knowing participation.

56. Use of a forged receipt from a third party who provides an important service to the University is deceptive, and undermines the integrity of the anti-plagiarism function that Turnitin performs. Here, the Student's use of a forged document was committed in support of an initial lie (regarding the timing of when the Student had submitted her shorter, unrevised essay to Turnitin) designed to conceal the first offence: that the alterations that the Student made to her essay came after (not before) she handed in a hard copy to Mr. Tong.

57. These two offences are serious and cause harm to the University. Our sanction must reflect these concerns.

58. **General deterrence.** The need to deter others from committing similar offences is an important factor in this case. The need to deter the use of forged or falsified documents is obvious. It is also critical to deter students from submitting academic work for re-grading that has been substantially modified from the original work that was initially submitted. Such conduct

undermines trust relationships with instructors (as noted above), subverts the University's academic standards, and is unfair to other students.

59. *Student's character, extenuating circumstances, likelihood of repetition of the offences.* Since the Student did not attend the hearing, nor submit any evidence, we were left with no evidence concerning possible explanations or mitigating circumstances for her conduct.

60. Counsel for the Provost advised that these were the Student's first offences.

61. Weighing these factors together in the circumstances of this case, our view is that the sanctions sought by the Provost are appropriate. The combination of the two offences is a weighty consideration here. We have considered whether more lenient sanctions might be appropriate. But the case law provided to us by the Provost indicates that the sanctions sought by the Provost are reasonable.

62. Absent mitigating circumstances, several cases have imposed a two-year suspension and a three-year transcript notation for a single "false resubmission" offence: *e.g., L.Y. supra; O.S., supra*. Others have imposed a three-year suspension and a four-year transcript notation where the student committed multiple offences: *e.g., B.D.*, [Case No. 845; July 26, 2017], or had a prior academic offence, *e.g., Z.M.* [Case No. 632; November 10, 2011]. In our view, the latter sanctions are appropriate here.

63. For these reasons, the Tribunal imposes the following sanctions on the Student:

- (a) she received a grade of zero in POL200Y1
- (b) she be suspended from the University for three years, commencing June 20, 2018;

- (c) a notation reflecting this sanction be placed on the Student's academic record and transcript for a period of four years, commencing June 20, 2018; and
- (d) the decision be reported to the Provost, for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the Student's name withheld.

Dated at Toronto, this 20th day of June, 2018.



Paul Michell, Chair