

**UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on September 22, 2016

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 (the "University")

- AND -

Y ■■■ H ■ (the "Student")

REASONS FOR DECISION

Hearing Date: January 23, 2017

Panel Members:

Ms. Roslyn M. Tsao, Chair

Professor Kathi Wilson, Faculty Panel Member (appearing by Skype)

Ms. Sherice Robertson, Student Panel Member

Appearances:

Ms. Tina Lie, Assistant Discipline Counsel for University, Paliare Roland Barristers

Mr. Cormac Donovan, Law Student for the Student, Downtown Legal Services

In Attendance:

Mr. Y ■■■ H ■, the Student

Ms. Lucy Gaspini, Manager, Academic Integrity & Affairs, Office of the Dean, University of Toronto Mississauga

Mr. Christopher Lang, Director, Office of Appeals, Discipline and Faculty Grievances

Charges and Appearances

1. The Trial Division of the Tribunal heard this matter on January 23, 2017. The Student was charged on September 22, 2016 with 6 charges, including personation, and forgery/falsification (3 counts) relating to the Quiz #2 in MGT338H5 – Business Finance

I (the "Course"), a third year course. The Student was also charged, in the alternative, with two instances of engaging in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code.

2. The Student attended at the hearing with representation from Downtown Legal Services.
3. The Student and University tendered an Agreed Statement of Facts ("ASF") for a guilty plea.

Facts

4. Based on the ASF, the Student admits the following facts:

- In the Fall 2015 semester, the Student was registered in the Course taught by Prof. Kirsch. The syllabus for the Course contained sections relating to Academic Misconduct and its consequences and the following under the heading "Missed Test(s)":

Students MAY NOT petition to re-write a test once the test has begun. If you are feeling ill, you must leave the room before starting your test and seek medical attention immediately. As described above, you must have a physician fill out a UTM Student Medical Certificate, and submit it along with an online Petition for Academic Accommodation... within one (1) week of the missed test... There will be no make-up exams for a missed quiz or term test.... If the student's Petition for Academic Accommodation for missing a test is approved, the instructor will determine whether (a) the student will be required to do remedial work in its place (such as an oral exam or extended assignment) or (b) the weighting of the final exam will be increased by value of the missed test....

- On November 18, 2015, Quiz #2 worth 10% of the final grade was held in the Course.
- The Student attended Quiz #2 and wrote his name and student number on the front page of the test booklet. Later, the Student heavily crossed out this information so that it was unreadable, and beside it wrote "Justin Zhang 1000320472".
- On the second page of his Quiz #2, the Student wrote the following note ("Justin Note")

Dear Marker,

I'm not a registered student. I just take this quiz to test my knowledge in order to have good grade in the future. Thank you for your time and sorry for the inconvenience!

Justin

- At the completion of the quiz, the Student submitted his Quiz #2 with the incorrect name and student number on the cover and the Justin Note on the second page. Although some attempt was made by the Student to answer question 1 and he made a short note in respect of question 2(a)(i), he earned no marks on those attempts. The remaining questions were left blank.
- On November 20, 2015 following the quiz, the Student submitted a petition seeking academic accommodation on the basis of medical reasons (“Petition”) with a University of Toronto Verification of Student Illness or Injury dated November 20, 2015 from Dr. Abdelsaied (“Medical Note”). The Medical Note indicated that the Student was significantly impaired in his ability to fulfill academic obligations for 3 days from November 18 to 21, 2015, and that he had been “sick at home can not move”.
- On December 4, 2015, the Student was informed that his Petition had been approved, and that he was to contact his course instructor for further details in regards to the missed quiz.
- Professor Kirsch confirmed that there was no student by the name of Justin Zhang in the Course in the Fall 2015 term. However, after the final exam in the Course on December 4, 2015, she noted that the Student's handwriting on his final exam was very similar to that of the handwriting of the "Justin Zhang".
- On March 31, 2016, the Student met with Catherine Seguin, Dean’s Designate. The Student acknowledges that he was provided with the requisite warning under the Code and admitted to Professor Seguin that:
 - he attended Quiz #2 on November 18, 2015, at which time he wrote a fictitious name and student number on his exam, and wrote the Justin Note;

- he filed the Petition later that same day saying that he had not attended Quiz #2 due to illness;
- he subsequently submitted the Medical Note to support his Petition;
- he was aware that he did not have to write Quiz #2 if he was ill; and
- he did not notify Professor Kirsch or anyone else that he felt ill during Quiz #2.

Decision of the Tribunal

5. Based on the ASF and the panel's review of the examination booklet in question, the Student is found guilty of Charges 1, 2 and 5 being one count of personation contrary to section B.I.1(c) and 2 counts of forgery/falsification contrary to section B.I.1(a) of the Code.
6. The University withdrew Charges 3, 4 and 6.

Penalty

7. The Student and University submitted an Agreed Statement of Facts relating to Penalty ("ASFP") and a Joint Submission on Penalty ("JSP") for the following penalty:
 - (a) a final grade of zero in Course MGT338H5 in Fall 2015;
 - (b) a three (3) year suspension from the University commencing September 1, 2016; and ending on August 31, 2019; and
 - (c) a four (4) year notation of the sanction on the Student's academic record and transcript commencing on January 23, 2017 and ending on January 22, 2021.
8. The Student has one prior sanction relating to academic misconduct since attending the University in Fall, 2011:

- (a) in December 2012, the Student admitted to obtaining unauthorized assistance from another student in CSC108H5 for a computer code assignment the month earlier;
 - (b) the Student received a grade of zero for that assignment worth 10% of the course grade; and
 - (c) the Student received a written sanction letter which warned him that subsequent allegations of academic misconduct would be referred to the Office of the Dean or Tribunal for investigation.
9. Unfortunately, the Student has again crossed the line into academic misconduct despite his previous experience. It is troubling that the Student would repeat conduct which was clearly designed to gain an academic advantage, either to hide his lack of preparedness for the quiz or to enable him to review the questions and then take the quiz later with such additional knowledge.
10. It was noted by the University that the Student has completed 3 more credits since the offence and now has 19 credits of the required 20 credits to obtain his degree. However, the Student has apparently not registered for any courses since 2016. The 3 year suspension ending August 31, 2019 will delay his graduation by a significant period of time.
11. The Tribunal accepts the terms of penalty set out in the JSP. Although the Student pleaded guilty, as he did on the previous occasion, the Panel might well have imposed a more serious sanction but for the JSP given the prior finding.
12. An Order was signed at the hearing by the Panel. The Tribunal is to report this decision to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed in the University's newspapers, with the name of the Student withheld.

Dated at Toronto, this 7th day of February, 2017



Roslyn Tsao, Co-Chair