

**TRIBUNAL DECISIONS UNDER THE**  
**CODE OF BEHAVIOUR ON ACADEMIC MATTERS**  
**(FALL 2012)**

**USING AN UNAUTHORIZED AID DURING AN EXAM**

**Not Guilty**

The Student pleaded not guilty to allegations that he copied answers from another student during a midterm exam. The Panel found the Student not guilty and noted that the evidence was circumstantial, two classmates who took the exam testified they did not notice anything unusual, and that there was no direct evidence that the Student cheated.

**FORGED MULTIPLE DOCUMENTS**

**Five year suspension; notation on transcript for seven years or until graduation, whichever is first; grade of 0 in five courses; publication of the decision with the name of the Student withheld**

The Student agreed with the facts put before the Panel, the sanction proposed and pleaded guilty. The Panel found the Student guilty of forging and falsifying multiple documents while petitioning in various courses for academic advantage. These included false medical notes and personal statements. The Panel also noted the seriousness of the offences, the Student's guilty plea, her cooperation and remorse, as well as the fact she was a first time offender.

**FORGED DOCUMENTS PLUS AIDING AND ABETTING**

**Four year suspension; four year notation on transcript; grade of 0 in the course; publication of the decision with the name of the Student withheld**

The Student pleaded guilty to two counts of forging documents, and not guilty to aiding and abetting. The charges related to allegations that the Student submitted a forged medical certificate and a physician's letter to defer an exam, and aided or abetted another person in falsifying evidence, namely a person who phoned a registrar and purported to be a physician's assistant. In finding the Student guilty of all three charges, the Panel noted that the acts were premeditated, egregious, required the University to spend considerable resources on an investigation, there was a need for deterrence, the Student pleaded guilty to two of the charges, he had no previous convictions, and all three offences were related to one transaction. The Panel also noted that the Student had enough credits to graduate and his ability to graduate had been deferred by one and a half years as a result of the charges, and therefore a four year suspension was appropriate.

## **PLAGIARISM**

**Three year suspension; grade of 0 in the course; publication of the decision with the name of the Student withheld**

The Student agreed with the facts put before the Panel, the sanction proposed and pleaded guilty. The Panel found the Student guilty and reluctantly agreed with the proposed sanction. In agreeing with the sanction, the Panel noted the high threshold for rejecting a joint submission on penalty. The Panel further noted the seriousness of the offence and harm to the University, and the fact he was a repeat offender. The Student also requested a publication ban because his family donated to the University, but the Panel rejected the request and noted that they found this request abhorrent.

## **FORGERY**

**Four month suspension; three year notation on transcript; grade of 0 in the course; publication of the decision with the name of the Student withheld**

The Student was found guilty of changing one multiple choice answer on a scantron exam sheet and submitting it to be re-graded. The Panel found the Student guilty and noted that although others had the opportunity to also change the scantron, only the Student had the opportunity and the motive. The Panel, in considering penalty, viewed the Student's misconduct not just as a deliberate act of academic dishonesty but also as an inexplicable lapse in judgment by the Student. The Student had attempted to reverse her actions by sending an email to her TA, cancelling her request to re-grade the exam. The Panel stated, however, that the Student could have taken steps to acknowledge her error in judgment when the allegations were brought to her attention. The Panel stated the objective of specific deterrence had been achieved as the Student had indicated her acceptance and respect of its findings. As for general deterrence, the Panel agreed with the University that it was a secondary concern in this case. Regarding the appropriate term of suspension, the Panel stated that it had discretion to consider the Student's personal circumstances and was not bound by prior cases to impose a minimum two year suspension for this type of offence. Finally, the Panel stated that while pleading guilty may be a mitigating factor, pleading not guilty by itself is not an aggravating factor.

## **IMPERSONATION AND FORGED DOCUMENTS**

**Five year suspension; seven year notation on transcript or graduation, whichever is earlier; grade of 0 in the course; publication of the decision with the name of the Student withheld**

The charges related to allegations that the Student submitted her final exam in another student's name to help him obtain a better grade. The Student agreed with the facts and proposed sanction, and pleaded guilty. The Panel found the Student guilty and in accepting the proposed penalty noted that they fell within a reasonable range of sanctions for the offences committed.

## **UNAUTHORIZED AID**

### **Not guilty**

The charges related to allegations that the Student possessed unauthorized notes during his exam. The Student pleaded not guilty. The point of dispute was whether the invigilator identified the right student. The University had to prove on a balance of probabilities that the Student was in fact the person who was found to possess the unauthorized aids. The Panel found the Student not guilty, and noted that here was a discrepancy between the testimony of the course instructor and the testimony of the invigilator, neither the instructor nor the invigilator could identify the Student with certainty, and they could not conclude with certainty that it was more likely than not that the Student was the correct student. The Panel ruled that the University had not met the burden of proof.

## **PLAGIARISM AND CONCOCTION**

### **Five year suspension; seven year notation on transcript; grade of 0 in the course; publication of the decision with the name of the Student withheld**

The Student agreed with the facts, the proposed sanction and pleaded guilty. The Panel found the Student guilty. In accepting the sanctions, the Panel noted the high threshold for rejecting a joint submission on penalty. In recognizing the sanction fell within a reasonable range, the Panel noted that the Student was a repeat offender, the plagiarism offences were of a serious nature, the Student cooperated with the University, had accepted responsibility, and pleaded guilty.