



FOR INFORMATION

OPEN SESSION

TO: Academic Board

SPONSOR: Mr. Christopher Lang, Director, Appeals, Discipline and Faculty
Grievances

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PRESENTER: See Sponsor

CONTACT INFO:

DATE: May 19 for May 29, 2017

AGENDA ITEM: 15c

ITEM IDENTIFICATION: University Tribunal, Information Reports, Spring 2017

JURISDICTIONAL INFORMATION:

The University Tribunal hears cases of academic discipline under the *Code of Behaviour on Academic Matters, 1995* (the “Code”)¹ which are not disposed of under the terms of the *Code* by the Division.

Section 5.2.6 (b) of the Terms of Reference of the Academic Board provides for the Board to receive for information reports, without names, on the disposition of cases in accordance with the *Code*.

GOVERNANCE PATH:

1. Agenda Committee [for information] (May 17, 2017)
2. Academic Board [for information] (May 29, 2017)

PREVIOUS ACTION TAKEN:

The last semi-annual report came to the Academic Board on November 24, 2016.

¹ <http://www.governingcouncil.utoronto.ca/policies/behaveac.htm>

HIGHLIGHTS:

The purpose of the information package is to fulfill the requirements of the University Tribunal and, in so doing, inform the Board of the Tribunal's work and the matters it considers, and the process it follows. It is not intended to create a discussion regarding individual cases, their specifics or the sanctions imposed, as these were dealt with by an adjudicative body with a legally qualified chair, bound by due process and fairness, and based on the record of evidence and submissions put before it by the parties.

FINANCIAL IMPLICATIONS:

There are no financial implications.

RECOMMENDATION:

For information.

DOCUMENTATION PROVIDED:

- Information Reports of Tribunal Decisions under the *Code of Behaviour on Academic Matters, 1995* (Spring 2017)

**TRIBUNAL DECISIONS UNDER THE
CODE OF BEHAVIOUR ON ACADEMIC MATTERS
(SPRING 2017)**

PERSONATION AND ACADEMIC DISHONESTY

Five-year suspension; notation on transcript for five years; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student hired someone to take a test, and also had an imposter personate them at the Dean's meeting. The Student agreed with the facts, submission on sanction and pleaded guilty. The Panel found the Student guilty and imposed all of the agreed-upon sanctions except for the permanent notation that was requested. The Panel instead imposed a five-year notation. In imposing the sanctions the Panel noted the following: the Student agreed to voluntarily withdraw from, and not reapply to, the University; the Student cooperated, admitted to the offences and was young when the offences were committed. The Panel rejected the permanent notation as they believed this, coupled with the Student's agreement not to reapply, would amount in effect to an expulsion.

NOTE: THE UNIVERSITY APPEALED THE PERMANENT NOTATION REJECTION BY THE PANEL. BELOW IS THE DISCIPLINE APPEALS BOARD DECISION OVERTURNING THE TRIBUNAL ON THIS POINT

The Panel of the Appeals Board reinstated the permanent notation and granted the University's appeal. In doing so, the Panel noted the following: agreed-upon sanctions should only be rejected where their acceptance would lead to a belief by a reasonable observer that the proper functioning of the justice system had broken down; agreements promote certainty where accused have given up their right to a hearing in exchange for a guilty plea and a negotiated sentence; and the Tribunal did not consider the actual circumstances surrounding the jointly-proposed sanctions - the Student avoided having a permanent notation on her transcript while the University obtained the benefit of the effect of an expulsion.

MULTIPLE FORGERIES

Expulsion; permanent notation; publication of the decision with the name of the Student withheld

The Student submitted a cover letter and resume to obtain employment as a pharmacist, and the application falsely claimed the Student had graduated with a degree and was a candidate for a Doctor of Pharmacy. The Student did not attend the hearing, but the Panel determined appropriate notice was provided. In finding

the Student guilty and in imposing the sanctions, the Panel noted the following: the Student had a prior plagiarism offence; falsification of an academic record is one of the most serious offences; there were concerns for public safety as the Student was not a qualified pharmacy student; and the University had an obligation to uphold and maintain the integrity of its degrees and processes.

UNAUTHORIZED ASSISTANCE

Two-year suspension; notation on transcript for three years; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student copied from another student in an examination. The Panel found the Student guilty, and in imposing the sanctions noted the following: the offence was serious; there was detriment to the reputation of the University; there was a need to deter others; it was the Student's first offence; and the Student participated in the process. The hearing was heard over two dates. The Panel determined that the penalty should be deemed to have started when the hearing began on its merits (5 months earlier), as the delay in convening the penalty hearing was not within the Student's control.

MULTIPLE FALSIFICATIONS

Expulsion; permanent notation on transcript; publication of the decision with the name of the Student withheld

The Student falsified and circulated a transcript and degree certificate purportedly issued by the University in order to obtain academic qualification accreditation by an educational institution in a foreign country. The Student did not attend the hearing but the Panel determined appropriate notice had been given, and decided to proceed in the Student's absence. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: the offences were grave and needed the most severe penalty; the offences demonstrate the most serious lack of academic and personal integrity; and the offences threaten the reputation of the University and the students who are pursuing their degrees honestly and diligently.

CONCOCTION

Expulsion; permanent notation on transcript; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student concocted research results as part of a Master's thesis. The Student pleaded guilty, and agreed with the facts and the proposed sanction. In finding

the Student guilty and in imposing the agreed-upon sanctions, the Panel noted the following: there was no evidence of any extenuating circumstances; the offence involved dishonesty, went to the heart of academic integrity, and called into question the Student's character; the Student deliberately manipulated and falsified research data, which they knew would be counted towards their academic work and used for further publication, and further misrepresented the authenticity of the impugned data when asked by their supervisor; the Student was aware that the concocted research data was to be included in an article submitted for publication in a peer-reviewed journal, which resulted in the journal revoking the acceptance of the article, and the supervisor withdrawing from a research grant; the Student knowingly risked the reputation of their thesis supervisor and the University; the Student pleaded guilty and cooperated with the University; agreed-upon sanctions should only be rejected whereby accepting them is unreasonable, or would bring the administration of justice into disrepute; the deliberate fabrication of research results in an academic setting is an extremely serious offence and warrants an equally serious sanction; and, the sanction is consistent with other cases.

UNAUTHORIZED ASSISTANCE AND MULTIPLE PLAGIARISMS

Two-year and eight month suspension; notation on Student's transcript until graduation; grade of 0 in two courses; publication of the decision with the name of the Student withheld

The Student shared answers with a classmate during a test, and plagiarised on two essays. The Student agreed with the facts, proposed sanctions and pleaded guilty. The Panel found the Student guilty and in imposing the agreed-upon sanctions noted the following: the Student admitted guilt on the unauthorized assistance only after the other student admitted; the Student had committed plagiarism on two prior occasions; there was a need for general deterrence; the Panel felt the proposed sanction was at the low end, but given it was jointly-proposed, the high standard required for rejecting it was not present in this case.

FALSIFICATION

Expulsion; notation on transcript; publication of the decision with the name of the Student withheld

The Student falsified a Bachelor of Commerce degree from the University. The Student did not attend the hearing, but the Panel determined appropriate notice had been given and decided to proceed in the Student's absence. In finding the Student guilty and in imposing the sanctions the Panel noted the following: an expulsion recommendation is consistent with other Tribunal cases, and is also

confirmed as the appropriate sanction in Appendix C of the Code – *Provost's Guidance on Sanctions*; the importance of the University as an educational institution and as a degree-granting body; members of the public must be able to rely on transcripts and degree certificates issued by the University as accurate; forgery or falsification of one's academic record is an offence of the utmost seriousness; the teaching and learning relationship reflected by the University's programs must be honoured and protected; falsification of an academic record not only undermines the credibility of the University, but also that of other students who have legitimately been granted degrees.

UNAUTHORIZED AID

Three-and-a-half year suspension; notation on transcript for four-and-a-half years; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student was found with an unauthorized aid - a smartphone - during a test. The Student agreed with the facts, proposed sanctions and pleaded guilty. In finding the Student guilty and in imposing the agreed-upon sanctions, the Panel noted the following: the Student had three prior offences; the sanctions were consistent with similar cases; there was no principled reason to reject the Joint Submission on Penalty; and the Student had been in an abusive relationship during the relevant time period.

PLAGIARISM

Two-year suspension; notation on the Student's transcript for three years; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student plagiarized a presentation. The Student agreed with the facts, proposed sanctions and pleaded guilty. In finding the Student guilty and in imposing the agreed-upon sanctions, the Panel noted the following: the Student had two prior plagiarism offences; the sanctions were consistent with other cases; the assignment for the current plagiarism offence was worth 15%; and the Student pleaded guilty and cooperated with the University.

FORGERY AND TWO PLAGIARISMS

Expulsion; grade of 0 in two courses; publication of the decision with the name of the Student withheld

The Student forged a reference letter in a scholarship application, and plagiarised assignments in two courses. The Student agreed with the facts put forward and pleaded guilty, but the sanctions were contested. The Panel, in imposing the sanctions, noted the following: these were first offences however the Student used the same forged reference letter 5 months later; the Student was remorseful, but only to a point - no steps were taken to repay the scholarship, nor did the Student take full responsibility; the offences were serious and committed knowingly and deliberately; the Student relied on the forged letter in support of separate applications for a scholarship, one of which was successful, and resulted in a direct financial gain, which potentially deprived another student; as a graduate student and a health professional, the Student knew that professionalism, ethics, and honesty are fundamental; the Student worked with marginalised communities, and had shown great resolve and drive in overcoming various barriers in life; the Student did not, however, demonstrate a connection between the barriers, and the commission of the offences; the Student was not driven by unexpected financial pressures; the detriment to the University weighs in favour of expulsion - the University relies on the integrity of the scholarship process, this type of forgery weakens the trust that the University places in the integrity of its reference process, and plagiarism is an offence that strikes at the heart of academic integrity; where forgery alone has occurred, expulsion is normally avoided only where there are significant mitigating factors, or where there is a joint submission on penalty, or both; and, the addition of other serious offences – two separate instances of plagiarism – on top of forgery, also weighs in favour of expulsion.

MULTIPLE FORGERIES

Three-year-and-four-month suspension; notation on transcript until graduation; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student plagiarized two Verification of Student Illness or Injury forms. The Student agreed with the facts, submission on sanction and pleaded guilty. In finding the Student guilty and in imposing the agreed-upon sanctions, the Panel noted the following: the offences were deliberate and serious; the conduct undermined the integrity of the accommodations process; the Student had two prior incidents of misconduct; there was an early admission of guilt; and the Student cooperated.

MULTIPLE FORGERIES AND FALSIFICATIONS

Five-year suspension; notation on transcript for six years; grade of 0 in three courses; publication of the decision with the name of the Student withheld

The Student forged and falsified petitions for accommodation and Verification of Illness forms in three courses. The Student did not attend the hearing, but the Panel was satisfied appropriate notice had been provided. In finding the Student guilty, and in imposing the sanctions, the Panel noted the following: the Student had a prior offence and committed the current offences only one week after the earlier offence; the Student took advantage of the accommodation process; the University has an interest in maintaining the integrity of its processes; the Student did not participate; and there were multiple offences.

UNAUTHORIZED ASSISTANCE

Two-year suspension; notation on transcript for three years; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student submitted an essay that included significant edits that had been performed by a professional editing and writing services company. The Student did not attend the hearing, but the Panel determined appropriate notice had been provided. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: the Student did not attend the hearing; this was a first offence; and, there were no mitigating circumstances presented.

PLAGIARISM

Two-year suspension; notation on transcript for three years; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student plagiarized an essay worth 20%. The Student did not attend the hearing, but the Panel decided appropriate notice had been provided. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: the sanctions were consistent with other cases and the sanctions met the goals of the Tribunal's sanctioning principles as outlined in the Tribunal's leading case.

UNAUTHORIZED ASSISTANCE AND PLAGIARISM

Five-year suspension; notation on transcript for five years; a grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student purchased two assignments and submitted them for credit. The Student agreed with the facts, submission on sanction and pleaded guilty. In

finding the Student guilty, and in imposing the agreed-upon sanctions, the Panel noted the following: the presumptive sanction for a purchased paper is expulsion, which can then be adjusted based on the circumstances of the case; this was the Student's first offence; the Student immediately admitted to the offence; the Student cooperated; the Student showed remorse; the Student provided the Provost with names of those who sold the essays; and, the threshold for rejecting a jointly-proposed sanction was high, and not met.

PERSONATION AND FALSIFICATION

Three-year suspension; notation on transcript for four years; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student signed a false name and student number on a quiz, and then submitted a petition for accommodation stating they had been unable to attend the quiz. The Student agreed with the facts, submission on sanction and pleaded guilty. In finding the Student guilty and in imposing the agreed-upon sanctions, the Panel noted the following: the Student cooperated; the Student had a prior offence; the Student's conduct was designed to gain an academic advantage; the suspension would delay graduation since the Student had not been registered since 2016; and, absent the guilty plea, the Panel might have imposed a more serious sanction.

UNAUTHORIZED AID

Two-year suspension, partially overlapping with a current academic suspension; notation on transcript for slightly less than three years and five months; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student possessed an unauthorized aid - a phone - during an examination. The Student did not attend the hearing, but the Panel was satisfied appropriate notice had been provided. In finding the Student guilty, and in imposing the sanctions, the Panel noted the following: this was a first offence; the conduct was serious; there was no evidence the Student actually used the aid; and, even though the Provost requested the suspension start after the end of the Student's academic suspension, the effect of this would be overly punitive.

MULTIPLE FALSIFICATIONS

Expulsion; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student falsified two Verification of Student Illness or Injury forms. The Student attended the hearing and pleaded guilty. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: this type of forgery is one of the most serious offences; the Student had two prior offences; these types of cases almost always result in expulsion, especially where there is prior misconduct; the conduct of the Student was premeditated and egregious; the falsification fraudulently used the names of physicians; and there were no mitigating circumstances in the evidence.

PLAGIARISM

Two-year suspension; notation on transcript for three years; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student plagiarized on an essay. The Student did not attend the hearing, but the Panel was satisfied appropriate notice had been provided. In finding the Student guilty, and in imposing the sanctions, the Panel noted the following: the sanctions were consistent with other cases; and they were appropriate given the sentencing factors as outlined in the Tribunal's leading case on sanctioning.

FALSIFICATION

Three-year suspension; notation on transcript for four years; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student wrote a false name and student number on a mid-term examination. The Student agreed with the facts, submission on sanction and pleaded guilty. In finding the Student guilty and in imposing the agreed-upon sanctions, the Panel noted the following: the Student had two prior offences; the sanctions were considered in light of the Tribunal's sentencing principles; and the standard for rejecting a jointly-proposed sanction is high and was not met in this case.

UNAUTHORIZED AID

Two-year suspension, one year of which was to run concurrently with a current academic suspension; notation on the transcript for three years; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student had unauthorized notes during an examination. The Student did not attend the hearing, but the Panel was satisfied appropriate notice had been provided. In finding the Student guilty, and in imposing the sanctions, the Panel noted the following: this was a first offence; the conduct was deliberate and calculated; the sanction should be meaningful; and, to start this suspension entirely after the current academic suspension would, in effect, be overly punitive.