



**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 24 for May 31, 2018

**AGENDA ITEM:** 12c

**ITEM IDENTIFICATION:** University Tribunal, Information Reports, Spring 2018

**JURISDICTIONAL INFORMATION:**

The University Tribunal hears cases of academic discipline under the *Code of Behaviour on Academic Matters, 1995* (the “Code”)<sup>1</sup> 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 22, 2018)
2. **Academic Board [for information] (May 31, 2018)**

**PREVIOUS ACTION TAKEN:**

The last semi-annual report came to the Academic Board on November 23, 2017.

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<sup>1</sup> <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.

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**DOCUMENTATION PROVIDED:**

- Information Reports of Tribunal Decisions under the *Code of Behaviour on Academic Matters, 1995* (Spring 2018)

**TRIBUNAL DECISIONS UNDER THE**  
**CODE OF BEHAVIOUR ON ACADEMIC MATTERS**  
**(SPRING 2018)**

**PLAGIARISM**

**Suspension of slightly more than four years; notation of slightly more than seven years or until graduation, whichever earlier; grade of 0 in the course; publication of the decision with the name of the Student withheld**

The Student plagiarized an essay. The Student agreed with the facts and the proposed sanctions. In finding the Student guilty, and in imposing the agreed-upon sanctions, the Panel noted the following: but for the Joint Submission on Penalty the Panel would likely have imposed a more stringent penalty, especially given the fact there were three prior offences; a jointly proposed sanction should only be rejected where it would bring the administration of justice into disrepute or is truly unreasonable or unconscionable; mere disagreement with the Joint Submission on Penalty is not enough; there was an undertaking by the Student to complete writing workshops, and this was a factor the parties wanted the panel to consider as supporting the joint submission; and, the narrow circumstances that would permit departure from the Joint Submission on Penalty were not present here.

**NOT GUILTY: STUDENT ALLEGED TO HAVE PLAGIARIZED OR USED AN UNAUTHORIZED AID**

The Student attended the hearing and was self-represented. The Panel found the student not guilty of plagiarizing an essay and receiving unauthorized assistance using a draft from another student. One member dissented. In finding the Student not guilty, the majority on the Panel noted the following: the University did not meet the burden of proof; the evidence was circumstantial; the Student performed their own analysis; and, given it was a peer review assignment, with a certain process in place, it would be unfair to penalize a student for incorporating an idea arising from the process or to characterize it as unauthorized assistance.

**NOTE: THE UNIVERSITY APPEALED THE FINDING OF NOT GUILTY**

The Discipline Appeals Board dismissed the appeal noting the following: deference is owed to the Tribunal on findings of credibility; the Board should not substitute the decision it would have made for that of the panel below; there were no significant errors of fact or law made by the Tribunal; the Tribunal's approach in analyzing the evidence mirrored the way the evidence and argument were

presented by the Provost; the reference to the evidence as circumstantial was not a reflection of the Tribunal applying a different standard of proof but rather common practice in describing the nature of the evidence.

### **MULTIPLE FORGERIES AND FALSIFICATIONS**

**Five-year suspension; notation on transcript for seven years; publication of the decision with the name of the Student withheld**

The Student forged both an academic record and a resume in a scholarship application. The Student agreed with the facts and the proposed sanctions. In finding the Student guilty, and in imposing the agreed-upon sanctions, the Panel noted the following: parties ought to expect that jointly submitted sentences will be imposed, unless to do so would be objectively unreasonable or unconscionable; the Student had no prior offences, and had demonstrated remorse by admitting guilt, submitting a letter of apology, and participated fully in the academic discipline process; the Student had fulfilled all the requirements of the degree so the likelihood of another offence was low; and the Panel found the jointly proposed sanctions reasonable in view of other similar cases.

### **PLAGIARISM**

**Two-year suspension; notation on transcript for three years; publication of the decision with the name of the Student withheld**

The Student improperly cited written work that they had produced as a research assistant for a faculty member. In finding the Student guilty, and in imposing the sanctions the Panel noted the following: the Panel had jurisdiction over the Student's conduct as a research assistant; the *Code* includes language that it can apply to "any other form of academic work" and the work performed as a research assistant fits within that broad definition; even if the Student did not actually know that they were committing the offence of plagiarism, as a Ph.D. student, they ought to have known that their citation style was deficient; the plagiarism was less serious than when no source was referenced at all; the Student apologized and admitted they were not qualified to continue in the Ph.D. program; the Student had a prior offence; the plagiarism would have directly affected the (supervising) Professor if undetected; and the Student withdrew from the Ph.D. program, which would remain on their academic record permanently and make their chances of re-offending low.

### **FORGERY OF AN ACADEMIC RECORD**

**Expulsion; up to five-year suspension; permanent notation; publication of the decision with the name of the Student withheld**

The Student falsified a transcript in an application to another University. The Student agreed with the facts and the proposed sanctions. In finding the Student guilty and in imposing the agreed upon sanctions the Panel noted the following: the penalty being proposed was not so disproportionate to the offences that it would be contrary to the public interest and bring the administration of justice into disrepute; the penalty proposed was appropriate given the sanctioning factors; and the penalty proposed was within an appropriate range.

### **FORGERY OF AN ACADEMIC RECORD**

**Expulsion; up to five-year suspension; publication of the decision with the name of the Student withheld**

The Student forged a degree in support of an application for accreditation in another country. In finding the Student guilty and in imposing the sanctions the Panel noted the following: the actions of the Student were a deliberate attempt to obtain the benefit of a diploma they did not earn; forged diplomas and academic records negatively impact the entire University community – they undermine the credibility and standing of the institution and of peers attempting to legitimately use their degrees; and forgery of an academic record is one of the most serious offences set out in the *Code* with the typical sanction being expulsion.

### **FALSIFICATION OF DOCUMENT REQUIRED BY THE UNIVERISTY, PLAGIARISM, AND UNAUTHORIZED AID**

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

The Student falsified data in a lab assignment, plagiarized portions of an essay, and was caught in possession of a cell phone during a final exam. The Student agreed with the facts and the proposed sanctions. In finding the Student guilty and in imposing the agreed upon sanctions the Panel noted the following: a joint submission should only be rejected in circumstances where to give it effect would be contrary to the public interest or would bring the administration of justice into disrepute; it is not the function of the Tribunal to determine whether or not it agrees with the sanction proposed; and the task is rather to determine whether the outcome falls within a range of reasonable outcomes, recognizing the institutional value, efficiency and importance of outcomes that are achieved through joint submissions.

### **MULTIPLE FORGERIES OF AN ACADEMIC RECORD**

**Expulsion; up to five-year suspension; permanent notation; publication of the decision with the name of the Student withheld**

The Student forged and falsified two letters purportedly from the University to a prospective employer and/or background checker retained by the employer, in support of their application for employment. The Student agreed with the facts and the proposed sanctions. In finding the Student guilty and in imposing the agreed-upon sanctions the Panel noted the following: given the seriousness of the misconduct, the recommended penalty was appropriate; forgery threatens the University's reputation amongst employers; and a strong deterrent against similar conduct by others is warranted.

### **MULTIPLE FORGERIES OF AN ACADEMIC RECORD**

**Expulsion; up to five-year suspension; permanent notation; publication of the decision with the name of the Student withheld**

The Student forged and falsified a degree certificate as well as the education information contained in their LinkedIn profile. The Student pled guilty and agreed with the facts, but contested the sanction. In finding the Student guilty and in imposing the sanctions the Panel noted the following: the offences were distinct, deliberate and committed at separate times and not part of a single course of conduct; the misconduct reflects a very calculated effort to deceive; expulsion has been held to be the appropriate sanction even where the student participated in the hearing, cooperated with the Provost, and showed remorse; the mitigating circumstances were insufficient to outweigh the other factors; recommendation for expulsion has only be avoided in a handful of cases and where there has been a jointly-agreed upon sanction; misrepresenting academic qualifications and forgery of a degree certificate is an offence of the utmost seriousness; these offences show the most serious lack of academic and personal integrity; forgery and misrepresentation are often difficult to detect; students must be deterred for falsely claiming to hold University degrees and forging degree certificates; the offences cause great harm to the University's reputation, undermine the trust employers have in the University, and harm other students who legitimately obtain degrees; and the extenuating circumstances are not exceptional, severe, or extreme.

## **PLAGIARISM**

**Recall and cancellation of degree; Expulsion; permanent notation; publication of the decision with the name of the Student withheld;**

The former Student plagiarized portions of their doctoral thesis. In finding the former Student guilty and in imposing the sanctions the Panel noted the following: short of purchasing an essay, it is difficult to envisage plagiarism that is more blatant or excessive, especially given the volume and extent to which the former Student tried to tailor the unattributed portions in order to conceal the plagiarism; the former Student's conduct throughout the disciplinary process demonstrated a lack of remorse and a lack of appreciation of the gravity of the offence; deterrence is of utmost importance given the serious nature of the offence, the detriment to the University, and the need to send a strong signal about the integrity of the University's degrees; given the egregiousness of the offence, the majority recommended that the Student be expelled (in addition to having their degree recalled and cancelled) to prohibit the former Student from ever registering at the University again.

### **NOTE: THE STUDENT APPEALED THE FINDING AND SANCTIONS**

The Discipline Appeals Board unanimously upheld the Tribunal decision. In doing so, the Board noted the following: plagiarism of the nature and extent found in the former Student's thesis is a very serious offence; imposing a lesser sanction on a student whose plagiarism is only discovered years after it occurred because of the impact on the student's career and professional achievements would be tantamount to rewarding students who are able to conceal an offence for a longer period of time; arguably a student who received the benefit of a PhD they never legitimately earned, for 20 years or more, should receive a greater penalty than those whose offence is discovered immediately and before that benefit arises; the former Student did not demonstrate any remorse or an appreciation of the gravity of their misconduct; cancellation of the student's degree has been recommended in all Tribunal cases of plagiarism at the graduate level, with the exception of one where the plagiarism was discovered before the degree was conferred and expulsion was recommended; and, had the plagiarism been detected before the former Student received their degree, the degree would have never been conferred.

## **MULTIPLE PLAGIARISMS AND ACADEMIC DISHONESTY**

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

The Student plagiarized two essays and represented to their instructor and teaching assistant that they had submitted a final essay when they had not done so. The Student agreed with the facts and the proposed sanctions. In finding the Student guilty, and in imposing the agreed upon sanctions, the Panel noted the following: a joint submission on penalty should only be rejected if it is truly unreasonable or unconscionable; the admission of guilt demonstrates insight and remorse; the Student cooperated in the process; the proposed sanctions were appropriate in light of the serious and deliberate nature of the offences, detriment to the University, and sanctions imposed in similar cases.

## **PLAGIARISM**

**Three-year suspension; notation on transcript for four years; publication of the decision with the name of the Student withheld;**

The Student plagiarized an essay, including copying portions of the text and exam instructions provided to the students to use to write the essay portion. In finding the Student guilty and in imposing the sanctions the Panel noted the following: an original text to compare with the submitted work is not required to make out the offence of plagiarism; what is necessary to constitute plagiarism is that a student represents someone else's work as their own; plagiarism is a serious offence that strikes at the core of academic integrity; plagiarism harms not only the student and fellow students, but also the University's credibility and objectives; a significant sanction is necessary to deter others, and to reflect the seriousness of the misconduct and its corrosive impact on academic integrity; the offence was not limited to missing citations or errors that could be characterized as lack of care; this was the Student's first offence; because the student did not participate in the hearing the likelihood of repetition can only be measured on the evidence of the University which suggests the Student gained no understanding of their misconduct; due to the Student's non-participation, the degree of remorse or insight cannot be assessed, and similarly there was no evidence of mitigating or extenuating circumstances; and, the sanction is consistent with the sanction ordered in other similar cases.



## **FALSIFICATION OF DOCUMENTS REQUIRED BY THE UNIVERISTY AND MULTIPLE PLAGIARISMS**

**Expulsion; up to five-year suspension; grade of 0 in the courses; publication of the decision with the name of the Student withheld**

The Student falsified personal statements in two documents seeking academic accommodation, and plagiarized six assignments, including purchasing an essay. The Student pled guilty and agreed with the facts, but contested the sanction. In finding the Student guilty the Panel noted the following: plagiarism is a serious offence as it undermines the fundamental academic relationship and strikes at the core of academic integrity; a purchased paper is among the most egregious plagiarism offences as it involves intention, planning and deliberate deception, is difficult to detect, and introduces a 3<sup>rd</sup> party commercial element into the academic relationship; falsification of petition information is a very serious offence as it undermines the integrity of the petition system which relies on students providing truthful statements, and breaches the relationship of trust with the University; the Student's misconduct harms the University community, including other students whose academic achievements are premised on the fairness of evaluations and who may need to rely on a fair petition system; a strong sanction is required in order to deter others especially in cases of plagiarism involving purchased papers, and also in view of the 'honour system' on which the petition system is based; the Student had two prior plagiarism offences; the eight offences occurred in rapid succession within a six month period while the Student was already under a transcript notation and previously warned for prior offences – all of which are strong indicators of a likelihood of re-offending; there was no causal connection between the Student's learning disabilities or mental health issues and the commission of the offences; lack of accommodations is not a reasonable excuse for the offences and not requiring a student to meet the standards of the *Code* is never an appropriate accommodation for a learning disability; the Student's conduct in the hearing is an aggravating factor; expulsion is the sanction best commensurate with the gravity of the offence of a purchased essay, but even without considering the purchased essay, expulsion would still be appropriate for the other offences; there were insufficient mitigating factors to warrant a lesser sanction; suspension would not sufficiently address the seriousness of the offences, need for deterrence, harm occasioned to the University, and the lack of insight or remorse demonstrated by the Student.

### **NOTE: THE STUDENT APPEALED THE SANCTIONS**

The Discipline Appeals Board unanimously upheld the Tribunal decision. In doing so, the Board noted the following: the eight offences occurred within a six month period; the Tribunal made limited and proper use of the aggravating factors; the Panel was entitled to consider the Student's conduct during the hearing; standing on its own even without reference to the Student's conduct at the hearing, the

Tribunal's reasoning supports the sanction imposed; the Tribunal thoughtfully and carefully considered both the content of all the medical evidence and its circumstances, and made no errors in this regard; there is no evidence that the Student was suffering from mental health issues at the time the offences occurred; the learning disabilities did not cause the Student to commit the offences; expulsion is likely where a purchased paper is involved because it shows evidence of intention, deliberation, and knowing deception, it introduces a commercial element into the academic relationship, and it is more difficult to detect; the seriousness of the offences, the deliberateness of the conduct, the timing of the offences, and their repeated nature warrant a recommendation for expulsion.

### **PLAGIARISM**

**Suspension slightly more than three years and four months; notation of slightly more than five years and four months, or until graduation, whichever earlier; grade of 0 in the course; publication of the decision with the name of the Student withheld**

The Student plagiarized an essay. The Student agreed with the facts and the proposed sanctions. In finding the Student guilty, and in imposing the agreed-upon sanctions, the Panel noted the following: but for the Joint Submission on Penalty and the high threshold for rejecting jointly proposed sanctions the Panel may well have imposed a more serious penalty including recommending expulsion given the seriousness of the offence and the two prior plagiarism offences; a Joint Submission on Penalty should only be rejected where it would be contrary to the public interest or bring the administration of justice into disrepute; and the Joint Submission on Penalty, although on the low end, was not outside the range of what has been imposed in comparable cases.

### **PLAGIARISM**

**Degree cancellation and recall; permanent notation; grade of 0 in the course; publication of the decision with the name of the Student withheld;**

The Student plagiarized portions of their Ph.D. thesis. The Student agreed with the facts and proposed sanctions. In finding the Student guilty and in imposing the agreed upon sanctions, the Panel noted the following: this was the Student's first offence; the Student cooperated throughout the discipline process, including admitting to the offence as soon as when confronted with it, though only after the dissertation was submitted; the offence was committed while the Student's dissertation was on an expedited timeline, coinciding with a time when the Student was without certain personal supports (non-U of T) which could have assisted with managing this timeline; that the plagiarism occurred in the context

of a dissertation thesis and that the Student intended the thesis to form the basis for a book are aggravating factors given the significant visibility and prominence of the text; there were some undertakings by the Student that the Panel stated were relevant to their consideration of the penalty submission, including that the Student not enrol or apply for admission at the University for at least two years, among others; and, the high threshold for departing from a joint submission on penalty had not been met in this case.

### **FORGERY OF AN ACADEMIC RECORD**

**Expulsion; up to five-year suspension; permanent notation; publication of the decision with the name of the Student withheld**

The Student falsified a transcript purportedly issued by the University in support of an application for an internship with the University. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: although it was not known whether the Student had themselves falsified their transcript, it was clear that the Student had circulated and made use of the falsified record; Appendix C of the *Code* recommends expulsion for cases of forged or falsified academic records; the alterations were extensive and the deceit intentional; the trust employers and the community put in the University's academic records had been undermined, and the trust between the Student and the University, irretrievably broken; the Student did not participate in the process and consequently showed no remorse nor presented any evidence of mitigating factors; where the offence is difficult to detect, there is a greater need for deterrence; the reputation and integrity of the University had been detrimentally impacted; and finally, while this was the Student's first offence, the seriousness of the offence and complete lack of engagement in the discipline process make a recommendation for expulsion appropriate.

### **FORGERY OF AN ACADEMIC RECORD**

**Expulsion; up to five-year suspension; permanent notation; publication of the decision with the name of the Student withheld**

The Student forged a transcript from another university which they submitted with an application for admission to the University of Toronto. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: forgery of an academic record is among the most serious offences; such misconduct undermines the integrity of the University and misrepresents a student's accomplishment; if undetected it may result in the student obtaining a benefit they do not deserve, deprive another more deserving student of that benefit, and tarnish the reputation of the University, other students, alumni, and faculty; forgery is difficult to detect, therefore the need for general deterrence all the more acute; forgery is generally

the product of planning and knowing participation; other than in exceptional circumstances, expulsion is generally the sanction imposed in these cases; given the Student's failure to participate in the process, there was no evidence of the Student's character, no explanation for their conduct, and no evidence of mitigating factors which might militate against expulsion.

### **MULTIPLE FORGERIES OF AN ACADEMIC RECORD**

**Expulsion; up to five-year suspension; permanent notation; cancellation of academic (transfer) credits; publication of the decision with the name of the Student withheld**

The Student forged a transcript submitted in support of an application for admission to the University and later relied on it to obtain transfer credits. In finding the Student guilty and imposing the sanctions, the Panel noted the following: forgery or falsification of academic records is among the most serious academic offences; because forgery may be difficult to detect, deterrence is a significant consideration; forgery is the product of planning and knowing participation, and rarely the product of negligence or inadvertence; and, given the Student had not participated in the discipline process, there was no evidence of any mitigating circumstances.