

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on June 25, 2020,

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

BETWEEN:

UNIVERSITY OF TORONTO

- and -

W [REDACTED] Z [REDACTED] (the “Student”)

REASONS FOR DECISION

Hearing Date: November 27, 2020, via Zoom

Members of Panel:

Ms. Lisa Talbot, Chair

Professor Georges Farhat, Faculty Panel Member

Mr. David Allens, Student Panel Member

Appearances

Ms. Tina Lie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

Ms. Krista Kennedy, Administrative Clerk and Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances

Not in Attendance:

The Student

THE CHARGES

1. This matter arises out of charges of academic misconduct filed on June 25, 2020, by the Provost of the University of Toronto (the “Provost”) under the *Code of Behaviour on Academic Matters, 1995* (“Code”).
2. The charges are as follows.

Charges relating to MGM101

1. On or about December 19, 2016, [the Student] knowingly forged or in any other way altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of such forged, altered or falsified document, namely a Verification of Student Illness or Injury form dated December 15, 2016, which [the Student] submitted in support of [the Student’s] request for academic accommodation or relief in MGM101H5 (“MGM101”), contrary to Section B.I.1(a) of the Code.
2. In the alternative, on or about December 19, 2016, [the Student] knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in order to obtain academic credit or other academic advantage of any kind, by submitting a forged, altered or falsified document, namely a Verification of Student Illness or Injury form dated December 15, 2016, in support of [the Student’s] request for academic accommodation or relief in MGM101, contrary to Section B.I.3(b) of the Code.

Charges relating to LIN204

3. On or about November 7, 2018, [the Student] knowingly represented as [his] own an idea or expression of an idea or work of another in an assignment [the Student] submitted in LIN204H5 (“LIN204”), contrary to section B.I.1(d) of the Code.
4. In the alternative, on or about November 7, 2018, [the Student] knowingly obtained unauthorized assistance in connection with an assignment that [the Student] submitted in LIN204, contrary to section B.I.1(b) of the Code.
5. In the further alternative, on or about November 7, 2018, [the Student] knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic advantage of any kind

in connection with an assignment [the Student] submitted in LIN204, contrary to section B.I.3(b) of the Code.

THE HEARING:

3. The Tribunal heard this matter on November 27, 2020. The Student did not attend the hearing. On reading the affidavit of service of Nusaiba Khan, sworn November 24, 2020, the affidavit of Kimberly Blake, sworn November 24, 2020, the affidavit of Lisa Devereaux, sworn November 19, 2020, and the affidavit of Andrew Wang, sworn November 24, 2020, and in consideration of the Policy on Official Correspondence with Students approved on May 1, 2006, Rules 9 and 17 of the Rules of Practice and Procedure of the University Tribunal, the Tribunal was satisfied that the Student was served with the Charges and Notice of Hearing dated November 11, 2020 and ordered that the hearing proceed in his absence.

THE FACTS:

4. At all material times the Student was registered at the University of Toronto Mississauga.

MGM101

5. In Fall 2016, the Student enrolled in MGM101 (Introduction to Management Functions).

6. Students in MGM101 were required to write a final exam, which was worth 40% of their final grades in the course.

7. If a student is too ill to write a final examination on the day they are scheduled to do so, they may submit a petition to write a deferred examination. The petition must be supported by a Verification of Student Illness or Injury form, which the student must submit to the Office of the Registrar within 72 hours of the missed exam. The Verification of Student Illness or Injury form must be completed by the student's physician.

8. The course syllabus for MGM101 stated (at page 6) with respect to the final examination:

Final Exams:

Final Examinations are scheduled, administered and governed by the policies set by the Office of the Registrar. Any student that is granted a deferral by the Office of the

Registrar will be required to write a deferred examination at the next exam-writing session scheduled by the Office of the Registrar. Students should note that the deferred exam may not follow the same format as the exam given in the regular writing session.

Students who cannot write a final examination due to illness or other serious causes must file an online petition **within 72 hours of the missed examination**. Original supporting documentation must also be submitted to the Office of the Registrar **within 72 hours of the missed exam**. Late petitions will **NOT** be considered. If illness is cited as the reason for a deferred exam request, a U of T Verification of Student Illness or Injury Form must show that you were **examined and diagnosed at the time of illness and on the date of the exam, or by the day after at the latest**. Students must also record their absence on ACORN on the day of the missed exam or by the day after at the latest. Upon approval of a deferred exam request, a non-refundable fee of \$70 is required for each examination approved. [Emphasis in original]

9. On December 15, 2016, the Student submitted a petition to defer his final exam in the course to the Office of the Registrar. The Student provided the following reason for the deferral request: “Acute gastroenteritis and fever happened on 14th December night cause [sic] I can not [sic] take the exam today”
10. On December 19, 2016, in support of his petition, the Student submitted a photocopy of a Verification of Student Illness or Injury form, purportedly completed and signed by Dr. S.P. Kwong on December 15, 2016 (the “Medical Note”). The Student submitted the Medical Note to defer his final exam and to obtain academic accommodation or relief in MGM101.
11. During the December 2016 exam period, the Office of the Registrar received over 750 deferral requests. It did not verify the authenticity of each form received at this time.
12. The Student’s petition was granted and the Student was permitted to defer his final exam in the course. He wrote the deferred exam on February 23, 2017.
13. The Office of the Registrar periodically reviews all retained documentation (physical and scanned copies). In June 2018, while reviewing documentation submitted for the Fall 2016 academic term, a staff member in the Office of the Associate Registrar, Academic Standards, noted that the Medical Note resembled a Verification of Illness or Injury form that had been submitted by another student and that had been confirmed as inauthentic.
14. The Medical Note indicated that it was completed and signed by Dr. S.P. Kwong, CPSO #56801. It also provided contact information for Dr. Kwong.

15. The Associate Registrar, Michelle Kraus, contacted Dr. Kwong, who confirmed that the Student was not a patient in his office and that Dr. Kwong did not fill out the Medical Note for the Student in December 2016.

16. The Tribunal accepts that the Student knowingly submitted a forged, altered or falsified Medical Note:

- a. understanding that the University of Toronto Mississauga required legitimate medical documentation and evidence to be presented in order to obtain the academic accommodation or relief he sought;
- b. with the intention that the University of Toronto Mississauga rely on the Medical Note in considering whether or not to provide him with the academic accommodation or relief he requested; and
- c. in an attempt to obtain academic credit and/or other academic advantage.

LIN204

17. In Fall 2018, the Student enrolled in LIN204 (English Grammar), which was taught by Dr. Michelle Troberg, Associate Professor, Teaching Stream in the Department of Language Studies at the University of Toronto Mississauga. There were approximately 650 students enrolled in LIN204 in Fall 2018.

18. LIN204 teaches students fundamental grammatical concepts. One of the focuses of the course is terminology, including the appropriate terms to be used when discussing grammatical concepts.

19. Students in LIN204 were made aware of the University's expectations respecting academic integrity. The course syllabus stated (at pages 6-7):

Academic Conduct

We have the expectation that students will treat each other and all faculty, staff, and TAs with respect and honesty. Students can expect the same from us. UTM students are subject to policies regarding academic honesty as set out by the Code of Behaviour on Academic Matters. Please read, and become familiar with, policies regarding academic honesty set out in this code:

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

Academic Offense

Academic integrity is essential to the pursuit of learning and scholarship in a university, and to ensuring that a degree from the University of Toronto is a strong signal of each student's individual academic achievement. As a result, the University treats cases of cheating and plagiarism very seriously. Potential offences include, but are not limited to:

In papers and assignments:

- using someone else's ideas or words without appropriate acknowledgement.
- submitting your own work in more than one course without the permission of the instructor.
- making up sources or facts.
- obtaining or providing unauthorized assistance on any assignment.

On tests and exams:

- using or possessing unauthorized aids.
- looking at someone else's answers during an exam or test.
- misrepresenting your identity.

In academic work:

- falsifying institutional documents or grades.
- falsifying or altering any documentation required by the University, including (but not limited to) doctor's notes.

All suspected cases of academic dishonesty will be investigated following procedures outlined in the Code of Behaviour on Academic Matters. If you have questions or concerns about what constitutes appropriate academic behaviour or appropriate research and citation methods, you are expected to seek out additional information on academic integrity from your instructor or from other institutional resources:

<http://www.artsci.utoronto.ca/osai/students/students>

20. Students in LIN204 were required to complete a total of six assignments, which they were to submit online. The assignments were required to be completed independently. Students were not permitted to collaborate with one another on their assignments.

21. On or about November 7, 2018, the Student submitted Assignment #4 in LIN204, which was worth 8% of his final grade (the "Assignment").

22. During the grading of the Assignment, one of the teaching assistants noticed that a significant number of students had given the same or similar answers to several questions, including Questions 25 and 31. The Student was among this group of students.

23. The Tribunal has reviewed a copy of the Student's answers to Questions 25 and 31 of the Assignment, the answer key for Question 31, and answers submitted by other students who had given similar answers. The answers share a number of similarities:

- a. In answer to Question 25, the students gave the answer "ordinal number of determiner". The Tribunal accepts Dr. Troberg's evidence that this is not a term that was used in the course. The phrase "ordinal number" was used, but never "ordinal number of determiner".
- b. In answer to Question 31(a), the students gave "Sophie and I" as the answer, when the correct answer was "I". The fact that all the students made the same mistake was noteworthy to Dr. Troberg.
- c. In answer to Questions 31(b) and/or (d), the students used the term "joined phrase", which was not a term that had been used in the course and did not have any meaning in connection with the concepts taught in the course.
- d. In answer to Question 31(d), many of the students used the phrase "matches its object of preposition place", which is not a phrase that had been used in the course and was not a phrase that made sense in connection with the concepts taught in the course.

24. The Tribunal accepts the evidence of Dr. Troberg that it is unlikely that a group of students (including the Student) would independently come up with the same unusual terms given the way that the course was taught, and in particular, the emphasis on using correct terminology.

25. The 10 students whose answers were reviewed along with the Student's admitted to obtaining unauthorized assistance in connection with Assignment 4. They each received sanctions either at the departmental or decanal levels.

26. There was a total of 76 allegations of academic misconduct in connection with the Assignment in LIN204 in Fall 2018. Of the 76 allegations, 16 of the allegations were dismissed by the department, meaning that the Chair, the instructor or their designate was satisfied that no academic offence was committed after meeting with 16 of the students. Of the remaining 60 cases, 56 were resolved, 24 at the departmental level and 32 at the decanal level; and 3 were retired (held in abeyance pending a student's return to the University).

27. The only remaining case is the Student's.

28. The Tribunal finds that the Student submitted the Assignment:

- a. to obtain academic credit;
- b. knowing that the Assignment contained ideas, expressions of ideas or work which were not his own, but were the ideas, expressions of ideas or work of others, including other students in LIN204 and/or external sources (the "Sources"); and
- c. knowing that he did not properly reference the ideas, expressions of ideas or work that he drew from the Sources.

29. The Tribunal also finds on the evidence that the Student knowingly obtained unauthorized assistance from the Sources, and knowingly submitted the Assignment with the intention that the University of Toronto Mississauga rely on it as containing his own ideas or work in considering the appropriate academic credit to be assigned to his work.

DISPOSITION ON CHARGES

30. On the basis of the facts set out above, as well as the documents provided in the Book of Documents re: Finding of the Offence, the Tribunal entered the finding that the Student was guilty of: one count of knowingly engaging in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code, in order to obtain academic credit or other academic advantage of any kind, contrary to section B.I.3(b) of the Code; and one count of knowingly representing an idea or expression of an idea or work of another as his own, contrary to section B.I.1(d) of the Code.

31. On the basis of the Tribunal's conviction of the Student on charges 2 and 3, the Provost withdrew charges 1, 4 and 5.

DECISION ON PENALTY

32. The University submitted that the following penalty should be imposed:

- a. a final grade of zero in the course MGM101H5 in Fall 2016;
- b. a final grade of zero in the course LIN204H5 in Fall 2018;
- c. a suspension from the University of Toronto for a period of three years;
- d. a notation of the sanction on his academic record and transcript for a period of four years; and
- e. that this case be reported to the Provost for publication of -a notice of the decision of the Tribunal and the sanction imposed, with the Student's name withheld.

36. We are required to consider the Mr. C. factors (Case No. 1976/77-3 November 5, 1976) to support our decision on penalty: character of student, likelihood of repetition of the offence, nature of the offence committed, existence of extenuating circumstances, detriment to the University and general need for deterrence.

Character, Extenuating Circumstances and Likelihood of Repetition

37. With respect to the Student's character, the Tribunal notes that the Student has not participated in the academic discipline process or in this proceeding at all. He did not meet with the Dean's designate. He did not respond to the University or its counsel. Consequently, the Tribunal has no evidence before it of any remorse or insight gained by the Student. It also has no evidence that the Student has learned or taken responsibility for his conduct.

38. The Student has no prior offences, however, the Tribunal notes that it is dealing with two offences in this case, which occurred two years apart.

39. Because the Student has not participated in this proceeding, there is no evidence before the Tribunal as to extenuating circumstances.

40. The Tribunal finds that the Student exhibited dishonesty and unethical character. There are no known extenuating circumstances. In light of the factors outlined above, the Tribunal considers that there is a likelihood of repetition of the offence.

Nature of the Offences Committed, Detriment to the University, and Deterrence

41. The offences committed by the Student are serious. The Student knowingly submitted a forged, altered or falsified Medical Note with the intention that the University rely on it to provide academic accommodation. He also knowingly obtained unauthorized assistance and knowingly submitted the Assignment with the intention that the University of Toronto Mississauga rely on it as containing his own ideas or work in considering the appropriate academic credit to be assigned to his work.

42. The University has an important interest in protecting the integrity of the institution. Such integrity is fundamental to the academic relationship. It is important that students are deterred from committing offences of academic dishonesty. Students must know that knowingly breaching the Code will not be tolerated.

43. After considering all of the above factors, and the cases provided by the University, the Tribunal is satisfied that the Provost's suggested penalty is appropriate.

44. An Order was signed at the hearing by the Panel on the following terms:

1. The Student shall receive a final grade of zero in the course MGM101H5 in Fall 2016.
2. The Student shall receive a final grade of zero in the course LIN204H5 in Fall 2018.
3. The Student shall be suspended from the University of Toronto from the date of the Tribunal's order for a period of three years.
4. A notation of the sanction shall be made on the Student's academic record and transcript from the date of the Tribunal's order for a period of four years.
5. This case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the Student's name withheld.

All of which is hereby ordered this 20th day of April, 2021.

A handwritten signature in black ink that reads "Lisa Talbot". The signature is written in a cursive style with a horizontal line above the name.

Lisa Talbot, Chair
On behalf of the Panel