



**FOR INFORMATION**

**OPEN SESSION**

**TO:** Academic Board

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

**CONTACT INFO:** [christopher.lang@utoronto.ca](mailto:christopher.lang@utoronto.ca)

**PRESENTER:** See Sponsor

**CONTACT INFO:**

**DATE:** May 20, 2021 for May 27, 2021

**AGENDA ITEM:** 11(c)

**ITEM IDENTIFICATION:** University Tribunal, Information Reports, Spring 2021

**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. Academic Board [for information] (May 27, 2021)

**PREVIOUS ACTION TAKEN:**

The last semi-annual report came to the Academic Board on November 18, 2020.

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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 2021)

**TRIBUNAL DECISIONS UNDER THE**  
**CODE OF BEHAVIOUR ON ACADEMIC MATTERS**  
**(SPRING 2021)**

**FORGED TRANSCRIPT**

**Expulsion; suspended for a period not to exceed five years; publication of decision and sanctions with the Student's name withheld**

The Student submitted a forged transcript when applying to Carleton University. The Student pleaded guilty and agreed with the facts. The Panel found the Student guilty, and in imposing the sanctions, noted the following: forgery is one of the most serious academic offences, is difficult to detect, and cannot occur through inadvertence; the extent of the forgery was egregious; integrity is critical in an age when academic institutions rely heavily on technology; the forgery looked genuine and might not have been caught by someone less astute; the Student offered no explanation for the misconduct, nor did they present any evidence regarding rehabilitation; the penalty must match the egregiousness of the offence; general deterrence is important; and, the sanctions are consistent with other similar cases.

**PLAGIARISM**

**Suspension of two years; 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 submitted an assignment that was similar to that of other students. In finding the Student guilty, and in imposing the sanctions, the Panel noted the following: the offence was serious; the Student did not participate in the process or attend the hearing so there was no evidence of any mitigating factors, including the Student's character; and plagiarism strikes at the heart of academic integrity and should attract a serious sanction.

**USE OF AN UNAUTHORIZED AID**

**Suspension of three years; notation on the Student's transcript for four years; grade of 0 in the course; publication of the decision with the name of the Student withheld**

The Student possessed and used notes during an examination. In finding the Student guilty, and in imposing the sanctions, the Panel noted the following: this was a case of pre-meditation where the Student tried to hide the notes; academic honesty is a fundamental tenet of an educational institution; the Student actually used the notes;

there is a need for specific and general deterrence; and the Student's actions demonstrated a lack of integrity.

### **PLAGIARISM**

**Suspension of two years; 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 copied internet sources for a report. In finding the Student guilty, and in imposing the sanctions, the Panel noted the following: there was no evidence regarding the character of the Student or mitigating factors, as the Student did not participate in the process; there is a need to deter others; plagiarism is a serious offence and undermines trust and the evaluative process; and the Student had no prior offences.

### **PLAGIARISM AND UNAUTHORIZED ASSISTANCE**

**Suspension of three years; notation on Student's transcript for four years; grade of 0 in the course; publication of the decision with the name of the Student withheld**

The Student plagiarized and received unauthorized assistance with an exhibition catalogue. In finding the Student guilty, and in imposing the sanctions, the Panel noted the following: the Student had two prior offences, the last of which was committed only months before these offences; the sanctions were consistent with those imposed in other cases; the Student did not participate so there was no evidence of mitigating circumstances or the character of the Student; the offences were serious and caused detriment to the University; and there is a need to deter others.

### **POSSESSION AND USE OF AN UNAUTHORIZED AID**

**Suspension of three years; notation on the Student's transcript until graduation; grade of 0 in the course; publication of the decision with the name of the Student withheld**

The Student possessed and used notes during a mid-term examination. The Student pleaded guilty and agreed with the facts as well as with the proposed sanctions. In finding the Student guilty, and in imposing the agreed-upon sanctions, the Panel noted the following: there is a high threshold to reject a jointly proposed penalty; the proposed sanctions fall within a reasonable range of possible outcomes; and it is not the role of the Panel to determine if it would have imposed the same penalty.

## **MULTIPLE PLAGIARISMS**

**Suspension for three-and-a-half years; notation on the Student's transcript for four-and-a-half years or until graduation, whichever is earlier; grade of 0 in the course; publication of decision with the name of the Student withheld**

The Student plagiarized a report as well as a written assignment related to an oral test. The Student pleaded guilty and agreed with the facts and proposed sanctions. In finding the Student guilty, and in imposing the agreed-upon sanctions, the Panel noted the following: there is a high threshold for rejecting jointly proposed sanctions; there were mitigating factors – the Student apologized and took responsibility for their actions, was close to finishing their degree and wished to return after the suspension, and they will take time during the suspension to reflect about their conduct; there were aggravating factors – the Student tried to both hide and cover up the plagiarism, and plagiarism is a serious offence and in this case was very extensive; and the proposed sanctions are consistent with those imposed in other similar cases.

## **PLAGIARISM AND FORGED OR FALSIFIED DOCUMENT**

**Suspension of three years; notation on the Student's transcript for four years; grade of 0 in two courses; publication of the decision with the name of the Student withheld**

The Student submitted a forged or falsified Verification of Student Illness form to obtain an extension on an examination and plagiarized an assignment. In finding the Student guilty, the Panel noted the following: the Student did not participate so there was no evidence of mitigating factors or character of the Student; although the Student had no prior offences, there were two offences in this case; the Student exhibited unethical behaviour, and in the circumstances the Panel determined there is a likelihood of repetition; the offences were serious; the University has an important interest in protecting the integrity of the institution; and there is a need for general deterrence.

## **STUDENT FOUND NOT GUILTY OF RECEIVING UNAUTHORIZED ASSISTANCE**

The Student attended the hearing and was represented. In finding the Student not guilty of obtaining unauthorized assistance during a mid-term test, the Panel noted the following: the University acknowledged that without the evidence of the invigilator the charges against the Student could not be made out; the invigilator did not see the Student actually copy off of the other student; the invigilator's evidence contradicted that of both the Student and the other student whose answers were allegedly copied; and there was no evidence regarding which student allegedly copied off of the other one.

## **MISREPRESENTATIONS**

**Suspension of two-and-a-half years; notation on the Student's transcript for three-and-a-half years or until graduation, whichever is later; grade of 0 in the course; publication of the decision with the name of the Student withheld**

The Student made multiple misrepresentations during an examination. The Student agreed with some of the facts, and after they were found guilty, agreed with most of the proposed sanctions. In finding the Student guilty, the Panel noted the following: the Student had a prior offence; the length of time between the offence and disposition of the charges was taken into account when determining the appropriate suspension; the length of suspension allowed the Student to return to studies at the beginning of a term; and the notation length was to address the possibility of the Student re-offending.

**NOTE: THE STUDENT APPEALED THE FINDING OF GUILT AND THE PROVOST CROSS-APPEALED THE SECTION OF THE CODE UNDER WHICH THE STUDENT WAS FOUND GUILTY – CROSS-APPEAL OF PROVOST ALLOWED AND FORGERY SUBSTITUTED FOR MISREPRESENTATION**

The Discipline Appeals Board ("DAB") rejected the Student's appeal but granted the cross-appeal of the Provost. In accepting the Provost's cross-appeal, the DAB indicated that there was enough evidence and findings of the Tribunal to make out the offence of forgery, specifically related to altering a scantron sheet. The DAB therefore substituted this finding for the more general offence of misrepresentation, but the sanctions remained the same as those imposed by the Tribunal.

## **UNAUTHORIZED ASSISTANCE**

**Suspension of four years; notation on the Student's transcript for a period of five years; grade of 0 in the course; publication of the decision with the name of the Student withheld**

The Student attempted to pay someone to assist them with an online examination. The Student pleaded guilty, 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 jointly proposed sanctions were reasonable; the offence was serious, as the Student offered another student money to assist with an examination; the Student's cooperation and agreement demonstrated insight and remorse; the offence was an attempt and not actually completed; the sanctions are consistent with those imposed in other similar cases; and the standard to reject a jointly proposed submission is high.