

**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:** November 10, 2022 for November 17, 2022

**AGENDA ITEM:** 8(b)

**ITEM IDENTIFICATION:** University Tribunal, Information Reports, Fall 2022

**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] (November 17, 2022)

**PREVIOUS ACTION TAKEN:**

The last semi-annual report came to the Academic Board on May 26, 2022.

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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* (Fall 2022)

**TRIBUNAL DECISIONS UNDER THE**  
**CODE OF BEHAVIOUR ON ACADEMIC MATTERS**  
**(FALL 2022)**

**UNAUTHORIZED AID AND PLAGIARISM**

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

The Student copied a portion of an assignment which was obtained from another student. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: there was no evidence of mitigating circumstances of the Student's character, or of prior academic offences; there was no possible explanation for the offences; the sanctions proposed by the University were proportional to those that have been awarded in similar cases; and a full two-year suspension would prohibit the Student from enrolling in courses for the first and second terms of the 2023-2024 academic year and would have a harsher effect than intended by the Panel.

**NOTE: THE STUDENT APPEALED THE DECISION**

The University requested that the appeal be dismissed summarily and without a formal hearing. In dismissing the appeal summarily, the Associate Chair noted the following: the Student's subjective desire to appeal is insufficient to overcome the frivolous and vexatious nature of her conduct in failing to pursue the appeal; failure to take any steps to advance one's appeal renders the appeal frivolous and vexatious; and the Student acknowledged that they violated the assignment's requirement to do the work independently and as such the appeal is without foundation.

**MULTIPLE FORGED OR FALSIFIED DOCUMENTS AND ACADEMIC DISHONESTY**  
**Expulsion; Suspension for up to five years or until Governing Council makes its decision on expulsion; a corresponding notation on the Student's transcript; publication of the decision with the Student's name withheld.**

The Student misrepresented their academic record in an application to the University's School of Graduate Studies by altering, falsifying, and circulating an unofficial copy of their transcript and CV. The Student also engaged in academic misconduct, misrepresentation or fraud by creating a domain and sending, or causing to be sent, a fake email that purported to be from the University. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: the Student engaged in multiple acts of planned deceit, including lying to their professors, claiming they were on the Dean's List, and creating two forged transcripts; the Student registered a domain and sent a fake email containing one of the forged transcripts; the Student's coordinated and planned deceit must be condemned in the strongest terms; imposition of the harshest

penalty available to the Tribunal was appropriate in the circumstances; and a recommendation for expulsion was in keeping with other cases where students had forged transcripts.

### **UNAUTHORIZED ASSISTANCE**

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

The Student obtained unauthorized assistance by using a subscription-based website to complete a portion of a test. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: the Student had not participated at any stage of the process, and therefore, had neither shown any remorse, nor presented any character evidence; the Student did not raise any mitigating or extenuating factors to warrant a more lenient sanction; since the Panel did not have details about the Student's situation, it afforded limited weight to the statements made by the Student that they were experiencing family issues, mental health issues, and hardships related to the COVID-19 pandemic, as it was unable to test those statements because the Student did not attend the hearing; the stress caused by the COVID-19 pandemic was considered; this offence is very serious because there is an element of deliberation and purposeful dishonesty in carrying it out; and cheating on exams must always be denounced and deterred in order to protect the academic integrity of the University.

### **MULTIPLE PLAGIARISMS**

**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 Student's name withheld**

The Student copied and paraphrased outside sources without citation in an assignment and a final exam. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: this was the Student's first offence; students that were found to have committed similar academic offences were given the same penalty being proposed in this case; it is important that this Tribunal renders decisions that are consistent, so that the treatment a student receives is not dependent on the panel the student draws; there must be consistency with the effective lengths of the suspension; and there was significant delay between charges and the hearing being scheduled but counsel's convenience should not be permitted to have an adverse impact on when the student may re-enroll after a suspension, which warranted a slight adjustment of the timing of the suspension.

### **FORGED OR FALSIFIED DOCUMENT**

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

The Student forged a copy of their transcript and submitted it as part of an application for admission to another University. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: the Student had a prior plagiarism offence; forgery is widely recognized as a most serious academic offence and deserves the most serious sanctions; this was a very serious case of forgery where the grades on the forged transcript bore no resemblance to the Student's official record; the prior offence was an aggravating factor which suggests that the Student was neither reformed nor capable of rehabilitation; the penalty must reflect the egregiousness of this type of misconduct in order to protect the credibility and integrity of academic institutions; and the penalty is consistent with Tribunal decisions in similar cases.

### **MULTIPLE PLAGIARISMS**

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

The Student purchased academic work from a writing service and submitted it for academic credit. The Student pled guilty and 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 Student had no prior offences; the Student did not attempt to minimize or justify their conduct and accepted complete responsibility for the offences; the Student demonstrated deep regret and remorse; the Student demonstrated that they understood the gravity of their actions and the damage that such conduct does to the integrity of the education system; COVID-19 created exceptional circumstances and challenges for students and the conduct of the Student cannot be examined without placing it in the context of the impact of COVID-19; purchased essay offences are about as serious as can be committed in a University setting; a joint submission on penalty may be rejected only in circumstances where to give effect to it would be contrary to the public interest or would bring the administration of justice into disrepute; and the proposed penalty fell within the range of penalties imposed in similar cases.

### **PLAGIARISM**

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

The Student copied answers from a subscription-based website during a final exam. The Student pled 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: the Student had three prior offences; by cheating on the exam, the Student undermined the grades-based system of evaluation and broke the honour code that is essential to modern learning; in today's online world, it is easy for students to find new ways to access unauthorized assistance and so any sanction must denounce cheating and deter others in order to protect the academic integrity of the University; students must understand

that this type of misconduct will have serious repercussions in order to dissuade them from the temptation to consider cheating; and the joint submission on penalty was appropriate and reasonable in the circumstances.

### **UNAUTHORIZED ASSISTANCE**

**Suspension of two and a half years; a notation on the Student's transcript for three and a half years; grade of 0 in the course; publication of the decision with the Student's name withheld.**

The Student obtained unauthorized assistance from a commercial tutoring service during an assessment. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: this was the Student's first offence; there was no evidence of the Student's character or mitigating circumstances; the University must be able to trust that asynchronous testing will be completed with the same academic integrity as if the test were administered in person; academic integrity requires that students always ensure that their academic performance is their own, and that they do not engage in unauthorized assistance; the University is harmed whenever students participate in mass cheating incidents, as it potentially sends a message to the broader community regarding the University's integrity; general deterrence is an important factor in these cases; the case law shows that the abuse of asynchronous/online testing is an ongoing issue at the University; unauthorized assistance strikes at the heart of academic integrity, and it is appropriate to send a strong message to students that this type of misconduct will be treated very seriously; where there is the use of a commercial provider, there ought to be consequences over and above the typical two year suspension for unauthorized assistance and conventional academic dishonesty; and in the absence of any other aggravating factors and any prior misconduct, a suspension of 2.5 years, representing the aggravation of a commercial nature of enterprise only, was appropriate.

### **PLAGIARISM**

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

The Student purchased an essay and submitted it as their own for academic credit. The Student pled guilty and agreed with the facts as well as with the proposed sanctions. In accepting the Student's guilty plea and the agreed-upon sanctions, the Panel noted the following: the Student did not have a prior record of offences and admitted to the commission of the offence, which the Panel accepted as mitigating factors; the seriousness of the offence must be reflected in the penalty; purchasing academic content should be deterred in the strongest possible terms; the proposed penalty appropriately reflects the factors relevant to sentencing; the proposed penalty is not contrary to public policy and would not bring the administration of justice into disrepute; the proposed penalty appropriately reflects the mitigating factors; and other decisions of the Tribunal have imposed similar sanctions for similar offences committed in similar circumstances.

### **FORGED OR FALSIFIED DOCUMENTS**

**Expulsion; Suspension for up to five years or until Governing Council makes its decision on expulsion; a corresponding notation on the Student's transcript; publication of the decision with the Student's name withheld.**

The Student used a forged transcript and enrolment confirmation letter in an application to extend their study permit. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: a student who makes use of a forged document is just as culpable as a student who forges the document themselves; the culpability lies in the plan to obtain and use the forged document; since the Student disregarded the discipline process, there is no evidence of extenuating circumstances, and there is nothing to suggest that any leniency should be shown to the Student; the Student had one prior offence; there is a serious risk that the Student would offend again, given the opportunity to do so; the Student committed the offence only two weeks after receiving a letter regarding the first offence; forgery or falsification of an academic record is an offence of the utmost seriousness because it undermines the credibility of the University and other students who have legitimately earned their degrees; the quality of the forged documents highlights the need to send a strong message to the University community that this conduct will not be tolerated; and the sanction is consistent with other similar cases.

### **MULTIPLE PLAGIARISMS**

**Suspension of just under two years and four months; a notation on the Student's transcript for just under three years and four months; grade of 0 in the course; publication of the decision with the Student's name withheld.**

The Student copied passages from outside sources without proper attribution in two assignments. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: this was the Student's first offence; there was little evidence of the Student's character; there was no evidence of mitigating or aggravating circumstances; the Student made no effort to engage with the discipline process; the close proximity of the two offences are more akin to concurring offences rather than indicative that repetition of the offences was likely; the need for general deterrence is significant in the context of plagiarism offences and online courses; the nature of this offence is serious; previous plagiarism cases of the Tribunal indicate that where there was no prior offence, the sanctions included suspensions of at least two years and a notation of at least three years; and the proposed sanction by the University was appropriate in the circumstances.

### **UNAUTHORIZED ASSISTANCE**

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

The Student obtained unauthorized assistance while completing an online quiz. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: this was the Student's second offence; the prior conviction was also for unauthorized assistance; there was no evidence of the Student's character or mitigating circumstances; the authorities highlighted the seriousness of the offence in question, the detrimental impact on other students who "play by the rules" and the need to send a clear message to the University community, particularly in the current environment of online quizzes, tests and assignments, precipitated by the pandemic; and the proposed penalty was appropriate given the Student's prior and related offence.

### **FORGED OR FALSIFIED DOCUMENT**

**Expulsion; Suspension for up to five years or until Governing Council makes its decision on expulsion; a corresponding notation on the Student's transcript; publication of the decision with the Student's name withheld.**

The Student provided a forged transcript in an admission application to another university. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: there was no evidence of the character of the Student, the likelihood of repetition or extenuating circumstances; forgery of a transcript is amongst the most serious offences a student can commit; forged transcripts and other academic records negatively impact the entire University community as they undermine the credibility of the institution and standing of the institution and of their peers who are attempting to legitimately use their transcripts and degrees; the Student's actions were a deliberate attempt by the Student to obtain the benefit of an academic record and degree that they did not earn; there is a need for general deterrence because these offences are committed with ease and often without detection; and the sanctions are consistent with those imposed in similar cases.

### **PERSONATION AND UNAUTHORIZED ASSISTANCE**

**Suspension of five years; a notation on the Student's transcript for six years; grade of 0 in the courses; publication of the decision with the Student's name withheld.**

The Student paid a third party tutoring service to have someone personate them during an online test and assist with a final exam in two different courses. The Student pled guilty and agreed with the facts. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: the Student committed very serious offences; preventing these offences from occurring is critical to ensuring that a University of Toronto degree is earned and cannot be bought; there were many mitigating factors, such as the Student's admissions which demonstrated insight and remorse, the Student's family difficulties, and the COVID-19 pandemic; the Student initially lied about the misconduct and this was an aggravating factor that weighed in favour of a serious penalty; while the Student expressed their improved understanding of the importance of academic integrity, the Student made similar statements in an email to their professor



five days prior to the commission of the second offence, and the Panel must weigh the sincerity of the Student's expression of remorse against the factual history; there is a real risk of repetition of a similar offence and a significant penalty is required to address this concern; the penalty requested by the Student was insufficient to address the conduct and resulting harm to the University; and the penalty requested by the University was appropriate in all the circumstances.

#### **UNAUTHORIZED ASSISTANCE**

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

The Student used answers posted on a subscription-based website to complete two assignments in the course. The Student pled guilty and agreed with the facts as well as with the proposed sanctions. In accepting the Student's guilty plea and the agreed-upon sanctions, the Panel noted the following: the Student had four prior offences; the Student ultimately cooperated in the process but initially denied any misconduct; the sanction is serious and lengthy; the Tribunal must do what it can to ensure that penalties for those who are caught cheating are harsh enough to make a potential cheater think twice; the Panel did not recommend expulsion because there was no proof the Student had paid to access the subscription-based website and they eventually cooperated by admitting their guilt and by agreeing with the facts and sanction; and the penalty submitted by the parties was reasonable and within the range of appropriate sanctions for the offences the Student committed.

#### **UNAUTHORIZED ASSISTANCE**

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

The Student collaborated with three other students in a course during an online test. The Student pled guilty and agreed with the proposed sanctions. In accepting the Student's guilty plea and agreed-upon sanctions, the Panel noted the following: the Student had two prior offences; the Student showed some insight and remorse by admitting their guilt, albeit at the last minute; there was a three-year gap between the Student's last academic offence and this offence; the Student undermined the grades-based system of evaluation and broke the honour code that is essential to modern learning; there were no extenuating circumstances; cheating must be denounced and deterred to protect the academic integrity of the University; students must understand that this kind of misconduct will have serious repercussions, so that they will be dissuaded from the temptation to cheat when they are under pressure and cheating seems to be the easy way out; and the proposed penalty by the parties was appropriate.

### **PLAGIARISM AND PURPORTED REFERENCE TO A SOURCE**

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

The Student submitted an essay which contained verbatim and nearly verbatim text without appropriate attribution, and the references cited in the footnotes of the essay did not contain the words or ideas to which they were cited in the body of the essay. The Student pled guilty and agreed with the facts as well as with the proposed sanctions. In accepting the Student's guilty plea and the agreed-upon sanctions, the Panel noted the following: the Student's admission of wrongdoing came early on; the Student recognized that their personal situation does not justify their error in judgement; the Student's comments provided some insight into their personal circumstances; the serious and deliberate nature of the offence and the detriment to the University were taken into account; the University stressed the need to send a strong message of deterrence to communicate the seriousness of the offences; and the proposed penalty was reasonable.

### **UNAUTHORIZED ASSISTANCE AND PLAGIARISM**

**Suspension of four years; a notation on the Student's transcript until graduation; a grade of 0 in the courses; publication of the decision with the Student's name withheld.**

The Student used a subscription-based website to complete two final exams and copied another student's work in an assignment. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: the Student had one prior plagiarism offence; ignoring the discipline process is suggestive of a disregard for the seriousness of the conduct the Student engaged in, which involved acts of deliberate dishonesty; there is serious risk that the Student will offend again as the consequences of their first offence did not deter them from committing three further acts of academic dishonesty; the Student exploited the unique circumstances brought about by the pandemic to gain an advantage; there is a need for deterrence, otherwise the online examination system risks being irretrievably compromised; by using a paid commercial subscription service, the Student committed a more serious form of academic misconduct; and the Student committed four academic offences in the span of two and a half years, three of which were committed after they had been warned of the severe consequences of a repeat offence.