

**THE DISCIPLINE APPEALS BOARD
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on January 26, 2022,

AND IN THE MATTER OF the *University of Toronto Code of Behaviour on Academic Matters, 2019*,

AND IN THE MATTER OF the *University of Toronto Act, 1971*, S.O. 1971, c. 56 as am. S.O. 1978, c. 88

BETWEEN:

I [REDACTED] M [REDACTED]

Appellant

-and-

UNIVERSITY OF TORONTO

Respondent

REASONS FOR DECISION

Appeal Hearing Date: January 10, 2024, via Zoom

Members of the Discipline Appeals Board Panel:

Paul Michell, Associate Chair

Dr. Allan Kaplan, Faculty Board Member

Samantha Chang, Student Board Member

Appearances:

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

William Webb, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

I [REDACTED] M [REDACTED]

Hearing Secretary:

Christopher Lang, Director, Office of Appeals, Discipline and Faculty Grievances

A. Introduction

1. On January 10, 2024, we heard an appeal from [REDACTED] M [REDACTED] (the “Student”) from decisions of the University Tribunal on liability (December 9, 2022) and sanction (February 10, 2023) under the *Code of Behaviour on Academic Matters* (the “Code”). The Student is an undergraduate at the University of Toronto Scarborough (“UTSC”).

2. For the reasons set out below, the appeal is dismissed. The Student failed to allege any specific errors by the Tribunal with respect to liability or penalty. The academic offences at issue here—plagiarism and forgery—are very serious. Yet the Student’s oral submissions made clear that she does not think that she did anything wrong. She has failed to engage in a meaningful way with the Tribunal’s findings. Instead, she cast vague aspersions of unfairness, bias, and lack of support. We reject these claims. In our view, the appeal is meritless.

B. The Charges Against the Student

3. On January 26, 2022, the Provost charged the Student with the following offences:

A. CHMB62H3

1. On March 8, 2021, you knowingly represented as your own an idea or the expression of an idea, and/or the work of another in a literature searching assignment titled “The Benefits of Vitamin B6: Harnessing Brain Health and Physical Health Through Increased Vitamin B6 Intake to Prevent Colorectal Cancer, Heart Disease and Parkinson's disease (PD)” (the “Assignment”) that you submitted in partial completion of the requirements in CHMB62H3, 2021(1) Introduction to Biochemistry (the “Course”) contrary to section B.I.1(d) of the Code.

2. In the alternative to the charge above, on or about March 8, 2021, in the Assignment, you 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 the Course, contrary to section B.I.3(b) of the Code.

B. King Faisal Prize

3. On or about March 30, 2021, you knowingly forged or in any other way altered or falsified an academic record, and/or uttered, circulated or made use of such forged, altered or falsified record, namely, a document that purported to be a letter signed by Hira Ali with the re: line “Nominations for the King Faisal Prize for Medicine for Dr. I [REDACTED] M [REDACTED]” (the “Prize in Medicine Nomination Letter”), contrary to section B.I.3(a) of the Code.
4. On or about March 30, 2021, you knowingly forged or in any other way altered or falsified an academic record, and/or uttered, circulated or made use of such forged, altered or falsified record, namely, a document that purported to be a letter signed by Hira Ali with the re: line “Nominations for the King Faisal Prize for Science for Dr. I [REDACTED] M [REDACTED]” (the “Prize in Science Nomination Letter”), contrary to section B.I.3(a) of the Code.
5. On or about October 18, 2021, you 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, an email from the email address ummatyfoundationcanada@gmail.com, which was sent by you or on your behalf to the Academic Integrity Office at the University of Toronto Scarborough, contrary to section B.I.1(a) of the Code.
6. In the alternative to each of the charges numbered 3 to 5 above, you 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, contrary to section B.I.3(b) of the Code.

C. Tribunal’s Decision on Liability

1. Plagiarism of Course Assignment

4. The first charge alleged that the Student had committed plagiarism with respect to an assignment for an introduction to biochemistry course (CHMB62H3) in Winter 2021. The course was a second-year undergraduate course that introduced students to the molecular structures of living systems. The syllabus for the course contained a section on academic integrity which stated that potential academic offences included using someone else’s ideas or words without appropriate acknowledgment, and provided a link to the Code.

5. One element of the course was a literature searching assignment, worth 10% of the final grade. Students were required to provide citations for all ideas or statements that are not common knowledge to a second-year undergraduate student studying biochemistry, to cite in-text, to paraphrase rather than using direct quotations, to follow the American Chemical Society Style Guide, and to use reliable and appropriate academic sources.

6. In March 2021, the Student submitted an assignment titled “The Benefits of Vitamin B6: Harnessing Brain Health and Physical Health Through Increased Vitamin B6 Intake to Prevent Colorectal Cancer, Heart Disease and Parkinson’s disease (PD)”.

7. The Turnitin similarity report score for the Student’s assignment was 77%, and indicated that the assignment was similar to a Harvard University article titled “Vitamin B6”. A teaching assistant for the course compared the Student’s assignment to the Harvard article, and was concerned that the assignment had copied several paragraphs of text verbatim or near verbatim without appropriate in-text citations or quotation marks.

8. The Tribunal found that in her assignment, the Student had knowingly represented as her own an idea or expression of an idea or work of another without appropriate citations in her CHMB62H3 assignment, contrary to section B.I.1(d) of the Code.

2. Forgery or Falsification in Applications to the King Faisal Prize

9. The King Faisal Prize is awarded by a Saudi Arabian foundation of the same name (the “Foundation”). In 2021, the Foundation advertised that it would accept nominations for prizes in five categories: service to Islam, Islamic studies, Arabic language and literature, medicine, and science. Prize winners were to receive a certificate, a commemorative 24-carat, 200-gram gold medallion, and a sum of SR 750,000 (approx. US \$200,000).

10. On March 29, 2021, the Student emailed several University staff, including Hira Ali, a student services assistant in the Office of the Registrar, asking the University to nominate her for the King Faisal Prize for work she claimed to have done on “Gene Editing Technologies and Mathematics.” Ms. Ali did not nominate the Student. That did not deter the Student. On April 1, 2021, she applied for the King Faisal Prize in both medicine and science. The Student’s applications included nomination letters purportedly signed by Ms. Ali, and other documents stating that her applications had the approval of the University.

11. Soon after, a scientific consultant at the Foundation emailed the University to inquire whether the Student’s two nomination letters were genuine. The University investigated, and learned that Ms. Ali had not written the two nomination letters. The Student’s nomination letters were forged or falsified. Although they purported to come from, and be signed by, Ms. Ali, in reality Ms. Ali had neither prepared nor signed the letters.

12. Nor, contrary to her claims to the Foundation, did the Student’s applications have the approval or support of the University. Further, her applications contained numerous misleading or false statements, including that she was affiliated with the Faculty of Medicine at the University, that she was a physician and medical researcher. She referred to herself as “Dr.” and “Professor”, and she used the UTSC logo and stamp without permission. The Student knew that the letters had been forged or falsified, and that her applications contained false or misleading information. She submitted the applications for the purpose of obtaining an academic advantage.

13. The Tribunal found that the Student had falsified and sent the forged nomination letters for the King Faisal Prize, contrary to section B.I.3(a) of the Code.

3. Falsified Email

14. On July 5, 2021, UTSC asked the Student to meet to discuss allegations of academic misconduct. She did not attend a scheduled meeting. On October 12, 2021, the Student advised UTSC that she wanted to resolve the allegations against her, and that the UMMATY Foundation had submitted the reference letter in support of her application for the King Faisal Prize.

15. On October 18, 2021, UTSC emailed the Student, seeking to reschedule their meeting. At the end of the day, she sought to schedule the meeting for a different date. Less than two hours later, UTSC received an email from ummatyfoundationcanada@gmail.com. The email stated that the UMMATY Foundation had written to the King Faisal Prize in support of the Student's application, and that there had "not been forgery of documents" on her part.

16. In her application to the King Faisal Prize, the Student had indicated that she was the "elected President" of the UMMATY Foundation.

17. Professor James Donaldson conducted google searches for and relating to UMMATY Foundation, Ummaty Foundation Canada, and ummatyfoundationcanada@gmail.com. He found no direct results. He did find an international Muslim humanitarian organization called "Ummaty" at ummaty.org, which had its headquarters in Canada, with a contact address at contact@ummaty.org. He noted that the website featured a different logo than the one used on the email sent to UTSC.

18. Professor Donaldson concluded that the email sent to UTSC was not sent from Ummaty and that the other organizations he had searched have no apparent presence on the internet.

19. The Tribunal found that the Student had emailed the Academic Integrity Office at the University using the ummatyfoundationcanada@gmail.com email address in support of her

application for the King Faisal Prize. The Tribunal accepted Professor Donaldson's evidence that the UMMATY Foundation Canada does not exist, and that the Student was responsible for sending the email, contrary to section B.I.1(a) of the Code. The Tribunal concluded that the Student had forged the email to make it appear that a third party supported her position, whereas in fact it was not. The Student did so knowing that the email was forged, and with the intention that the Academic Integrity Office would rely on it.

D. Penalty

20. The Tribunal considered the offences, and applied the *University of Toronto v. Mr. C* (Case No. 1976/77-3, November 5, 1976) ("Mr. C") factors to the facts in evidence. It was troubled by the Student's plagiarism, which it found to be a serious form of academic misconduct. The Tribunal viewed the forgery offences as being even more serious, and noted that the Student had committed them knowingly and deliberately. It reviewed case law confirming that the usual penalty for forgery is expulsion, absent significant mitigating factors, a joint recommendation on sanction, or both. Neither was present here.

21. With that background, the Tribunal imposed the following sanctions:

- (a) a final grade of zero in CHMB62H3;
- (b) a recommendation that the Student be expelled from the University;
- (c) an immediate suspension from the University for a period of up to five years from the date of the Tribunal's order or until the Governing Council makes its decision on expulsion, whichever comes first, and that a corresponding notation be placed on the Student's academic record and transcript; and
- (d) that the case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the name of the Student withheld.

E. Notice of Appeal

22. In March 2023, the student delivered a notice of appeal, replacing an earlier version. The specified grounds of appeal were very broad: that the Tribunal's decision and finding of guilt were unreasonable, that it had imposed a sanction that was unreasonable and manifestly unfit in the circumstances, and that the sanction was inconsistent with prior sanctions imposed by the Tribunal in similar circumstances.

23. A broad notice of appeal is common. However, appellants normally identify specific grounds of appeal in their written submissions before the hearing of their appeal. This assists respondents in focusing their submissions, aids the Board in preparing for the hearing, and narrows the range of issues for oral argument. Here, the Student delivered no written submissions before the hearing. And as set out below, her oral submissions at the hearing were of little assistance in identifying any errors in the Tribunal's decision that could provide the Board with a basis to intervene.

F. The Hearing

24. This appeal was originally scheduled to be heard on November 28, 2023, but was rescheduled to January 10, 2024, on a date on which both parties indicated they would be available. At the rescheduled hearing date, the Student made oral submissions, Mr. Webb responded for the Provost, and the Student replied.

25. The Student contended that the Tribunal's decision and finding of guilt were "unreasonable". She said that the Tribunal's decision was unfair and "unsupportive". She argued that she had worked hard, including having spent long hours at the library, and had sought to get top marks. She claimed to have written several books without anyone having complained about plagiarism. She alleged that her course instructor had been unfair and biased against her. However,

she provided no meaningful details that could enable us to conclude that the Tribunal had made a reversible error. Much of her oral submissions was not based on facts in evidence.

26. The Provost, in his written and oral submissions, sought to have the Board uphold the Tribunal's decisions on liability and penalty.

G. Further Submissions

27. After the Student completed her reply submissions, the chair of this panel indicated that the hearing was closed, that the panel would retire to deliberate, and that we would release our decision as quickly as we reasonably could. Within an hour, the Student emailed further submissions to the ADFG office and to counsel for the Provost. We did not review the email or submissions. Instead, the chair of the panel asked the ADFG office to advise the parties that, as he had indicated at the end of the hearing, the hearing was now closed, and the Board would not receive further submissions from the parties.

28. The Student had an opportunity to make written submissions in support of her appeal (and to make written submissions replying to those of the Provost) prior to the hearing according to a schedule established by the Senior Chair in her August 21, 2023 case conference direction. The Student chose to not deliver any written submissions prior to the hearing. There was no basis for her to make written submissions after the close of the hearing.

H. The Standard of Review

29. The Student did not address the applicable standard of review on this appeal. By contrast, Mr. Webb did address that issue, relying on *University of Toronto v. S.C., N.H., and M.K.*, (Case No. 596, 597, and 598, November 23, 2011 (Appeal)) ("S.C., N.H., and M.K.") at paras. 110-112, and *University of Toronto v. L.S.* (Case No. 841, October 31, 2017 (Appeal)), at para. 8. We agree that although the language of the Code itself is broad, in practice the Board tends to show a more

deferential approach. That deference may vary depending upon the particular issue, as the chair of the panel noted in *University of Toronto v. R.S.* (Case No. 1100, February 8, 2022 (Motion)), at para. 61. The key point here is that an appeal before the Board is not simply a hearing *de novo*.

I. Our Decision

30. On liability, we have reviewed the Tribunal's decision and the record that was before the Tribunal carefully. In our view, the Student has not identified any basis on which we could or should interfere with the Tribunal's decision on liability. For each charge, the Tribunal considered the evidence and made findings of fact that are firmly grounded in the record. We see no error in the Tribunal's reasons, and would dismiss the Student's appeal on liability.

31. On penalty, we take a similar view. In her notice of appeal, and in her oral submissions, the Student contended that the Tribunal's sanction was unreasonable and manifestly unfit. However, the Student identified no errors by the Tribunal that would permit us to intervene. She did not address the most significant element of the penalty (the recommendation that she be expelled). Instead, she suggested that the five year suspension be reduced to five months. We decline to do so.

32. In paragraphs 59-79 of its reasons, the Tribunal considered the *Mr. C.* factors and applied them to the evidence. We see no error in the Tribunal's reasons on this point. The Tribunal noted the seriousness of the forgery offence, and confirmed that plagiarism was also a serious offence. It relied on the vulnerability of the University to forgery and plagiarism. The Tribunal referred to earlier decisions that emphasized the need for deterrence to discourage others from committing similar offences. As noted above, the Tribunal observed that the usual penalty for forgery is a recommendation of expulsion, and that this penalty may normally be avoided only where there are significant mitigating factors, or where there is a joint recommendation on sanction. Here, there

was no such joint recommendation. The Tribunal concluded that there were no real mitigating circumstances present here. The Student's commission of multiple offences underlined the Tribunal's conclusion that a recommendation of expulsion was appropriate.

33. In evaluating a sanction imposed by a panel of the Tribunal, the Board follows a two-step process. First, the Board considered whether the Tribunal made a reversible error of fact or law. Second, if the Tribunal erred, the Board considers whether the error should lead it to vary the penalty imposed by the Tribunal: *S.C., N.H., and M.K.*, at para. 114.

34. The Student has not persuaded us that there is any basis to interfere with the Tribunal's penalty. In short, the first step has not been satisfied, and we do not reach the second step. In oral argument before us, the Student objected to the unfairness of the penalty, including on the basis of matters that were not in evidence. However, she was unable to challenge the Tribunal's decision in any legally meaningful way. There was no suggestion, let alone any basis, that the Tribunal had considered irrelevant factors, or failed to consider relevant factors, or had improperly weighed the factors. In our view, there is no basis for us to interfere with the Tribunal's conclusion on penalty. Given the very serious—indeed, shocking—academic offences that the Student was found to have committed here, the Tribunal's conclusion is unassailable.

35. For these reasons, the appeal is dismissed.

Dated at Toronto, this 16th day of February, 2024.

Original signed by:

Paul Michell, Associate Chair
On behalf of the Discipline Appeals Board Panel