

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

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

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 -

A [REDACTED] P [REDACTED]

REASONS FOR DECISION

Hearing Date: October 18, 2023, via Zoom

Members of the Panel:

Johanna Braden, Chair

Dr. Susanna Chow, Faculty Panel Member

Zoë Reichert, Student Panel Member

Appearances:

Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Joseph Berger, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP

Adam Goodman, Counsel for the Student, Barrister & Solicitor

Hearing Secretary:

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

In Attendance:

A [REDACTED] P [REDACTED]

1. The Trial Division of the University Tribunal was convened on October 18, 2023, to consider charges brought by the University of Toronto (the “University”) against Ms. A [REDACTED] P [REDACTED] (the “Student”) under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the “Code”).

The Charges and Particulars

2. Five charges involving three different courses were laid against the Student, as follows.

1. On or about March 23, 2022, you knowingly altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such altered or falsified document, namely, a screenshot that purportedly showed Quercus gradebook entries in POL338H1, which you submitted in support of your assertion that your final grade in that course had been recorded inaccurately and should be raised, contrary to section B.I.1(a) of the Code.

2. On or about March 23, 2022, you knowingly altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such altered or falsified document, namely, a screenshot that purportedly showed Quercus gradebook entries in POL101H1, which you submitted in support of your assertion that your final grade in that course had been recorded inaccurately and should be raised, contrary to section B.I.1(a) of the Code.

3. On or about March 23, 2022, you knowingly altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such altered or falsified document, namely, a screenshot that purportedly showed Quercus gradebook entries in PHY100H1, which you submitted in support of your assertion that your final grade in that course had been recorded inaccurately and should be raised, contrary to section B.I.1(a) of the Code.

4. On March 24, 2022, you knowingly altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such altered or falsified document, namely, documents that purported to be your answers to

assignments #5 and #6 in PHY100H1, which you submitted in support of your assertion that you had submitted this academic work in a timely fashion and that your final grade in that course had been recorded inaccurately and should be raised, contrary to section B.1.1(a) of the Code.

5. In the alternative to each of the charges listed above, on or about March 23 or 24, 2022, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud, or misrepresentation in order to obtain academic credit or other academic advantage of any kind in each of the three courses listed above, which violated section B.1.3(b) of the Code.

3. The particulars provided to the Student in support of these charges were as follows.

(a) You were a student at the Faculty of Music, University of Toronto at all material times.

(b) In Fall 2021, you received a final grade of:

(i) F in POL338H1, which was taught by Professor Mark Winwar;

(ii) F in POL101H1, which was taught by Professor Courtney Jung; and

(iii) C in PHY100H1, which was taught by Professor Sidhartha Goyal.

(c) On March 8, 2022, you advised the registrar in the Faculty of Music that your final grade in each of the three courses was incorrect because the instructors had not recorded assessments that you had submitted to them by email. You knew that this claim was false.

(d) On March 23, 2022, you emailed the three instructors and the registrar in the Faculty of Music and attached screenshots that appeared to show Quercus gradebook entries that indicated that you should have received a higher final grade in each of the courses. You knew that the claims in these emails were false, and the screenshots were altered, falsified, and did not accurately reflect your academic record.

(e) On March 24, 2022, you sent an email to Prof. Goyal that attached what you represented to be your answers to Assignments 5 and 6, which you claimed to have submitted in a timely way. You knew this statement was false and that you created the answers in March 2022 in furtherance of your attempt to raise your final grade in the course.

(f) You took these steps to obtain a higher final grade in each of the courses or to obtain some other academic benefit or advantage that you did not earn.

(g) You knew that the screenshots and assignments that you submitted were forged, altered or contained false information when you submitted them. You knowingly submitted these documents:

(i) understanding that the University of Toronto required evidence to be presented in order to obtain the adjustment you sought in your final grades;

(ii) with the intention that the University of Toronto rely on these documents in considering your request; and

(iii) in an attempt to obtain an academic advantage.

The Evidence

4. The Student admitted the charges. She attended the hearing with counsel.

5. The evidence was presented by way of an Agreed Statement of Facts, supplemented with the documents referred to in those facts. The crux of the evidence is set out below.

6. The Student has been enrolled at the University's Faculty of Music (the "Faculty") since the Fall 2019 term. By the time of the hearing, she had completed 21.66 credits and had a cumulative grade point average ("CGPA") of 3.32. In the Fall 2021 academic term, the Student was enrolled in, among other courses:

a) PHY100H1: Magic of Physics, which was taught by Professor Sidhartha Goyal ("PHY100");

b) POL101H1: The Real World of Politics, which was taught by Professor Courtney Jung ("POL101"); and

c) POL338H1: Politics and Government of Southeast Asia, which was taught by Professor Mark Winward (“POL338”), (together the “Three Courses”).

7. Grades for the Fall 2021 term were released in January, 2022. The Student received final grades of C in PHY100, F in POL101, and F in POL338.

A. *The Student’s initial communications with the Registrar’s office*

8. On March 8, 2022, the Student met with the Registrar of the Faculty, N.B., to advise the Registrar that the final marks she had received in each of the Three Courses were inaccurate.

9. The Student explained to N.B. that:

- a. she encountered difficulty uploading assessments on the University’s online teaching and learning platform “Quercus“, and therefore emailed a number of her assessments to the respective instructors and/or Teaching Assistants in the Three Courses towards the end of the Fall 2021 term;
- b. she sent emails to the instructors of all Three Courses when final grades were released in January 2022, but had not received responses to any of her emails;
- c. in late February 2022, she became aware that her laptop had been infected, her email accounts were compromised and her emails had not been sent;
- d. she sent a number of emails to the Registrar’s Office about the issue;
- e. she was working on getting her emails restored on her laptop; and

- f. she was concerned about getting her marks corrected as quickly as possible to permit her to meet a deadline of March 25 for applications she wished to make to law schools.
10. N.B. asked the Student to re-send the emails to each of the instructors in the three courses, with a copy to the Registrar's office.
11. N.B. was unable to find any emails sent by the Student to the Registrar's office addressing any concerns about her marks in the Three Courses.
12. The Student did not send any emails to the instructors of the Three Courses or to the Registrar's office following her meeting with N.B. on March 8.
13. At the Student's request, she met with the Faculty's Assistant Registrar, Dawn Pascoe, on March 22, 2022. She again expressed concerns about the accuracy of her marks in the Three Courses. Ms. Pascoe asked the Student to reach out to the instructors, with a copy of the emails sent to them to N.B.
14. The Student sent emails to the instructors for the Three Courses on March 23, 2022, in which she claimed that she had submitted various assignments for which she was entitled to academic credit as described more fully below.

B. PHY100 – Fall 2021

15. Students in PHY100 in Fall 2021 were required to submit six problem set assignments, together worth 48% of the overall mark in the course. No submissions were permitted after the deadline for each problem set other than for exceptional medical and

personal issues. Assignment 5 was due November 19 and assignment 6 on December 3.

16. The Student submitted some of her required course work. She did not submit assignments 5 or 6 at all. She was assigned a grade of zero for each of assignments 5 and 6.

17. On March 23, 2022, the Student emailed the PHY100 instructor, Professor Goyal. She asked him to change her grade in PHY100 on the basis of a screenshot she attached to her email, purportedly taken from Quercus (“March 23 PHY100 Email”). The screenshot showed that the Student had received grades of 90/100 and 95/100 on Homework Assignment 5 and Homework Assignment 6 in PHY100, respectively.

18. The March 23 PHY100 Email included the following statements:

- a. The grade of C awarded to her for PHY100 “was impossible since I handed in all my assignments”.
- b. “I have tried to reach out to you multiple times thereafter”.
- c. She only became aware in February 2022 that her computer was infected with “a terrible malware that compromised all of my accounts”, resulting in the corruption of a lot of her files, and the loss of a majority of her computer files.
- d. She found a screenshot she had taken of her Quercus grades at the end of the semester, a precaution she took because a similar problem had occurred the previous summer.

- e. That screenshot erroneously showed that her assignments were missing with no grades or comments allocated.
- f. The issue was urgent, and stressful, because she needed her grades to meet the application deadline for law school, and she therefore needed her grades changed by Friday of that week.
- g. She continued to search for screenshots of the emails she had sent previously.

19. Professor Goyal had no record of the Student having submitted either Homework Assignment 5 or Homework Assignment 6 in PHY 100. Professor Goyal reviewed the Student's grades on Quercus, which showed that the Student had received grades of zero on both Homework Assignment 5 and Homework Assignment 6.

C. POL101 – Fall 2021

20. Students in POL101 were required to submit seven assignments, with each of the six best being worth 15% of the course mark. Assignments were due on specific dates throughout the term. Extensions could be requested for valid reasons for up to seven days after the due date, following which the answer key for an assignment would be posted and late work would no longer be accepted.

21. The Student submitted her first assignment on time, and assignments 3 and 4 late. She did not submit assignments 2, 5 or 6 at all. She was assigned a grade of zero for each of assignments 2, 5 and 6.

22. On March 23, 2022, the Student sent an email to Professor Jung, the instructor in POL101, asking her to change the Student's grade in POL101 on the basis of a

screenshot attached to her email, purportedly taken from Quercus (“March 23 POL101 Email”). The screenshot showed that the Student had received grades of 9/10, 8/10, and 8.5/10 on Assignments 2, 5 and 6 in POL101, respectively.

23. Neither Professor Jung nor the Student’s Teaching Assistant in POL101 had any record of the Student having submitted any of Assignments 2, 5 or 6 in POL101.

24. Professor Jung reviewed the Student’s grades on Quercus, which showed that the Student had received grades of zero on Assignments 2, 5 and 6.

D. POL338 – Fall 2021

25. Students in POL338 were required to submit, among other things, a media portfolio due November 1 worth 20% and a research essay worth 35% due December 6. The Student did not submit either the required media portfolio or a research essay.

26. On March 23, 2022, the Student emailed the POL338 instructor, Professor Winward, asking him to change the Student’s grade in POL338 on the basis of a screenshot she attached to her email, purportedly taken from Quercus (“March 23 POL338 Email”). The screenshot showed that the Student had received grades of 81/100 on a media portfolio and 75/100 on a research essay in POL338.

27. Professor Winward did not have any record of the Student having submitted either a media portfolio or the research paper in POL338. Additionally, Professor Winward had no recollection of having seen a research paper related to the subject on which the Student claimed to have written her research paper.

28. Professor Winward reviewed records of Excel worksheets where he had recorded grades for the two assessments in question. These records showed the Student had received grades of zero on both the media portfolio and research essay in POL338.

29. The March 23 PHY100 Email sent by the Student to Professor Goyal, the March 23 POL101 Email sent by the Student to Professor Jung, and the March 23 POL338 Email sent by the Student to Professor Winward (collectively the “March 23 Emails”), were virtually identical but for the particulars of the allegedly missing assignments in each course and the marks the Student claimed she had received for them. The Registrar’s office was copied on each of the March 23 Emails.

E. The investigation

30. The Registrar invited the Student to a meeting on April 14, 2022 to discuss concerns about the claims she made in each of her emails that some of her coursework in the Three Courses had not been given grades. The Student attended as requested. This meeting took the place of three independent meetings with each of the instructors for the Three Courses.

31. Several hours after the meeting with the Registrar on April 14, 2022, the Student sent Professor Goyal an email (“April 14 PHY100 Email”) which attached what were purported to be:

- a. screenshots of emails the Student had sent to her Teaching Assistant in PHY100 on November 26, 2021;

- b. the text of another email sent to her Teaching Assistant on December 3, 2021; and
- c. copies of her answers to Assignments 5 and 6 in PHY100 as Word documents (collectively “PHY100 Documents”).

32. The document properties associated with the Assignment 5 and 6 submissions the Student sent to Professor Goyal as part of the PHY100 Documents on April 14, 2022, showed that both documents were created on March 24, 2022 (the day after the Student’s initial March 23 PHY100 Email to Professor Goyal), not during the Fall 2021 semester.

33. On April 18, 2022, the Student emailed N.B. writing that she was “deeply sorry for what has transpired” and requesting to meet with N.B. on the following day.

34. The Student met with N.B. on April 19, 2022. At this meeting the Student admitted that she had fraudulently created the screenshots which she had attached to the March 23 Emails, to include grades for assessments which she had not submitted in the Three Courses. The Student explained that she had been under a lot of pressure in the Fall 2021 semester and didn’t get extensions that she had requested for assignments in POL101 and POL338. The Student further explained that in Fall 2021 she was struggling to manage everything she had to do including preparing for the Law School Admissions Test (LSAT), preparing law school applications and participating in extra-curricular activities. The Student expressed that she was afraid of failing in the Three Courses, not graduating, and disappointing her parents. The Student apologized for breaking the Registrar’s and her parents’ trust.

35. On April 19, 2022 the Student, sent identical emails to Professors Goyal, Jung and Winward (collectively the “April 19 Emails”). The April 19 Emails included the following:

“I am not sure if you are aware of the situation yet, however I wanted to send this as soon as I could. I would like to profusely apologize and express my profound regret and shame for what has transpired. I acknowledge and deeply regret the pain and inconvenience it has caused you and everyone involved. Although you do not know me well, I also regret breaking this trust between a professor and a student, and letting you down.

The April 19 Emails concluded with the Student offering her “deep and heartfelt apologies” and asking to meet with each professor of the Three Courses individually.

36. N.B. subsequently forwarded the matter to the Faculty’s Associate Dean, Academic and Student Affairs.

37. The Student attended a meeting with the Dean’s Designate, on April 26, 2022. She acknowledges that the Dean’s Designate provided her with the Dean’s warning contained in the Code. The Student admitted that she submitted forged documents in the Three Courses in order to improve her grades in all three courses.

38. The Student explained that she was very busy in the Fall 2021 semester, having enrolled in some courses with larger workloads than she had anticipated, while trying to study for the LSAT, complete applications for law schools, and pursue extra-curricular activities. The Student indicated that she had fallen behind, became overwhelmed and desperate and did not know what to do. The Student indicated that she had asked for extensions from some of her instructors for the courses she was enrolled in, but when

she did not receive them, this further added to her anxiety. The Student apologized profusely and expressed remorse for her actions.

E. Admissions

39. The Student admits that she did not submit any of the following assignments in the Three Courses, and that she was not entitled to academic credit for any of them, despite the claims she made to the contrary to the Registrar, Deputy Registrar, Professor Goyal, Professor Jung, and Professor Winward:

- a. Assignments 5 and 6 in PHY100, each worth 8%;
- b. Assignments 2, 5 and 6 in POL101, each worth 15%; and
- c. A media portfolio worth 20% and a research essay worth 35% in POL338 (collectively the "Assignments").

40. The Student admits that she knowingly provided the following false information and documents for the purpose of misleading the Registrar and her course instructors in PHY100, POL101, and POL338, to convince them that she had completed and submitted the Assignments to raise her grades in the Three Courses:

- a. false information to the Registrar in her meetings of March 8 and 23, 2022, and to each of her instructors in the Three Courses in the March 23 Emails, when she claimed to have submitted the Assignments in the Three Courses that should have been assigned grades but were not;
- b. altered, falsified documents in the form of screenshots of grade sheets in each of the Three Courses which did not accurately reflect her grades in those courses;

- c. documents created in March 2022 that she falsely represented to be emails sent to her teaching assistants together with timely answers to Assignments 5 and 6 in PHY100 submitted in the Fall 2021 term, when they had in fact been created in March 2022 to further her attempts to increase her grade in PHY100; and
- d. false explanations to the Registrar and to the instructors in the Three Courses, including technical computer difficulties and her efforts to communicate with them in February 2022.

41. The Student admits that she therefore knowingly:

- a. altered or falsified screenshots purportedly showing Quercus gradebook entries for the Three Courses, which she submitted to her course instructors on March 23, 2022, in support of her assertions that her final grades had been recorded inaccurately and should be raised, contrary to section B.I.1(a) of the *Code*; and
- b. falsified and circulated or made use of documents that purported to be her answers to Assignments 5 and 6 in PHY100H1, which she submitted in support of her assertion that she had submitted these assignments in a timely fashion and that her final grade in PHY100H1 had been recorded inaccurately and should be raised, contrary to section B.I.3(b) of the *Code*.
- c. in doing so, she 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*.

Decision of the Tribunal on the Charges

42. The onus is on the University to establish on the balance of probabilities, using clear and convincing evidence, that the academic offences charged have been committed by the Student.

43. In this case, the Student admitted 4 charges of violating section B.I.3(a) of the Code, which states that is an offence for a student to knowingly forge or in any other way alter or falsify any document or evidence required by the University, or to utter, circulate or make use of any such forged, altered or falsified document, whether the record be in print or electronic form.

44. The Student admitted these charges in writing and at the hearing, which she attended with counsel. The Tribunal was satisfied that the Student's admissions were voluntary, informed and unequivocal.

45. The Agreed Statement of Facts provided ample evidence to support the charges. It is clear from those facts that the Student deliberately and repeatedly fabricated documents in an attempt to obtain better grades than the ones she had earned. She falsified screenshots in an effort to trick three of her professors into falsely believing the Student had completed assignments. The Tribunal was satisfied that these documents were "required" in the sense that they were specifically requested by the Registrar as proof of the Student's claim that her grades were incorrect, and the Student's request for a revision to her grades could not be considered without them.

46. Accordingly, the Tribunal found the Student guilty of Charges 1, 2, 3 and 4. The fifth alternative charge of violating section B.I.3(b) of the Code was withdrawn by the University.

Sanction

47. The University and the Student jointly submitted that the Tribunal should order the following sanctions:

- a. a final grade of zero in the course POL338H1 in Fall 2021;
- b. a final grade of zero in the course POL101H1 in Fall 2021;
- c. a final grade of zero in the course PHY100H1 in Fall 2021;
- d. a term of suspension from the University for a period of four years from May 1, 2023 to April 30, 2027;
- e. a notation of the sanction on her academic record and transcript from the date of the Tribunal's order to April 30, 2028, or her graduation from the University, whichever occurs first; and
- f. to report to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University newspapers, with the name of the Student withheld.

48. The Student submitted additional evidence for the sanctions phase of the hearing, including a letter of apology she had written, and letters of support from various people, including one of the professors she had tried to deceive.

49. The Tribunal considered the evidence and submissions of the parties in light of the factors and principles relevant to sanction as set out by this Tribunal in *University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5, 1976).

- a. The character of the Student: the Student had a good academic record, with no prior history of academic misconduct. She admitted her misconduct and agreed to a joint submission on sanction, saving the cost and expense of a fully contested hearing. She expressed her remorse in writing, and through her admissions of guilt. The letters of support are positive, although it is not clear that any of their authors (other than Professor Goyal) knew about the underlying misconduct. She appears to have been a high-achieving, well-rounded person who floundered when faced with the prospect of failure.
- b. The likelihood of repetition of the offence: this was the Student's first academic offence. However, the dishonest conduct was repeated. She persisted in her false claims of having turned in numerous assignments when she knew she had not. She lied in meetings with the Registrar. She only came clean when confronted with clear proof that her most recent forgeries (copies of her answers to certain assignments) could not have been created months earlier as she had claimed. While the Tribunal appreciates the Student's expressions of remorse, there is concern that the misconduct could be repeated if she finds herself in a similarly stressful situation. The Student has written that the sanction she has agreed to will serve as an invaluable life-long lesson, and the Tribunal hopes very much this is true.

- c. The nature of the offence committed: these were deliberate falsifications. They could not have occurred by accident or neglect. They were not spontaneous, or in the desperate heat of one difficult moment. They show calculated dishonesty over a period of more than six weeks. The Student persistently lied to obtain grades she had not earned.
- d. Any extenuating circumstances: the Student explained that she had been under considerable stress, including pressure from her parents and the many challenges that came with the Covid-19 pandemic. The Student's counsel submitted that Covid and its aftermath has led to a mental health crisis on campus, and that the University could have done more than it did. The Tribunal accepts that Covid has been hard. The Tribunal accepts the Student's evidence that she felt she was (in her words) "between a rock and a hard place." The reality is that most students caught cheating did so under pressure, resorting to lies and fabrications when they felt they had no other choice. It is possible that if the Covid-19 pandemic had never occurred, the Student would never have resorted to academic dishonesty. While this stress may have been a factor that explains why the Student engaged in such blatant lies, it is not an excuse. As the Student herself acknowledges, she must be held accountable for her choices.
- e. The detriment to the University caused by the misconduct: the University recognizes that grades may be inputted in error, and has a system of review to fix any mistakes. The University is harmed any time a student tries to take advantage of that system. Given the limitations of manipulated screenshots,

there was perhaps not much risk the Student's attempts to cheat would be successful. However, considerable resources were expended investigating the Student's false claims and fabricated evidence.

- f. The need for general deterrence: this is always a significant concern. The Student's counsel submitted that a preoccupation with general deterrence has caused some sanctions to become overly harsh. He cited recent cases referring to a presumptive minimum two-year suspension for an act of plagiarism or forgery (subject to variation depending on the surrounding circumstances), and he claimed this was not in place twenty years ago. While that may be true, and while every sanction must be fair, the Tribunal finds that general deterrence is a valid feature of penalty orders. Further, the facts of this case take it beyond any "presumptive minimum" sanction. The Student's dishonesty involved three different courses and multiple forged documents over a period of more than six weeks.

50. The Tribunal is not bound by previous decisions of the Tribunal, and each case must be decided on its own facts. Nevertheless, it is important for like cases to be treated alike so that parties can come to hearings with reasonable expectations of what kind of sanction they can anticipate based on the findings. The Tribunal considered previous cases to help determine the range of penalties ordered in other cases. Grades of zero in the affected courses are a constant feature in all cases. The length of suspension varies from two years to five years, and even to outright expulsion, with most cases imposing a suspension of three to four years.

51. Given the joint submission, the Tribunal did not have to consider whether the proposed sanction was perfect. Some may find the length of suspension too long, and others may find it too short. It is clear that the proposed sanction is firmly within the range of what has been ordered in similar cases. The four-year suspension has been back-dated to more than five months before the hearing date, and tailored so that it does not expire mid-way through an academic term. The sanction does not shock the conscience or bring the administration of justice into disrepute. It represents an appropriate balance of the mitigating and aggravating factors.

52. Accordingly, on October 18, 2023, the Tribunal made an order:

1. That the Student is guilty of four counts of knowingly altering or falsifying a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such altered or falsified document, contrary to section B.1.1(a) of the *Code*.

2. That the following sanctions shall be imposed on the Student:

- a) a final grade of zero in the course POL338H1 in Fall 2021;
- b) a final grade of zero in the course POL101H1 in Fall 2021;
- c) a final grade of zero in the course PHY100H1 in Fall 2021;
- d) a suspension from the University of Toronto for a period of four years from May 1, 2023 to April 30, 2027; and
- e) a notation of the sanction on her academic record and transcript from the date of the Tribunal's order to April 30, 2028, or her graduation from the University, whichever occurs first.

3. That this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed in the University of Toronto newspapers, with the name of the student withheld.

Dated at Toronto this 10th day of April 2024,

Original signed by:

Johanna Braden, Chair
On behalf of the Panel