



FOR INFORMATION

TO: Members of the Academic Board

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AGENDA ITEM: 14c)

ITEM IDENTIFICATION:

Semi-Annual Report: University Tribunal, Individual Reports Spring, 2013

JURISDICTIONAL INFORMATION:

The University Tribunal hears cases of academic discipline under the *Code of Behaviour on Academic Matters, 1995* (the “Code”)¹ 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*.

BACKGROUND INFORMATION:

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.

¹ <http://www.governingcouncil.utoronto.ca/policies/behaveac.htm>

**TRIBUNAL and DISCIPLINE APPEAL BOARD DECISIONS UNDER THE
CODE OF BEHAVIOUR ON ACADEMIC MATTERS
(SPRING 2013)**

PLAGIARISM AND CONCOCTED REFERENCES

Five year suspension; notation on transcript for six 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 agreed with the facts put before the Panel, the sanction proposed and pleaded guilty. The Panel found the Student guilty and reluctantly agreed with the proposed sanction. In agreeing with the sanction, the Panel noted the high threshold for rejecting a joint submission on penalty. The Panel noted the following: it was concerned with the prior offences of the Student, especially since they were one month apart; the fact the Dean had delayed the start of the sanction for the second offence so the Student could finish the term; and that without the agreed-upon sanction they would have been inclined to recommend expulsion.

PLAGIARISM, POSSESSING AN UNAUTHORIZED AID AND CHANGING A DATE ON AN ASSIGNMENT

Three year suspension; notation on transcript for three years; grade of 0 in two courses and 50% in another course; publication of the decision with the name of the Student withheld

The Student agreed with the facts put before the Panel, the sanction proposed and pleaded guilty. The Panel found the Student guilty and reluctantly agreed with the proposed sanction. In agreeing with the sanction, the Panel noted the high threshold for rejecting a joint submission on penalty. The Panel also noted that the Student did not actually use the unauthorized aid, that he made an early admission of guilt and cooperated with the University.

PURCHASING PAPER AND PLAGIARISM

Two year suspension; three year notation on transcript or until graduation, whichever is earlier; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student pleaded not guilty, but the Panel found her guilty of plagiarism but not guilty of purchasing the paper. The issue at the hearings was whether the University could prove on a balance of probabilities that the essay was not the Student's original work. The metadata analysis of the file showed the author as Bryan and the company as ZAS. Bryan was known by the University as a disbarred lawyer who assisted students in writing papers. The Panel accepted the expert testimony that the only way the metadata on the Word document could show Bryan as the author and ZAS as the company would be if the document was created on Bryan's computer. With regards to the notes the

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PURCHASING PAPER AND PLAGIARISM (cont'd)

Student claimed showed that she wrote the essay, the Panel found that the Student prepared them during the course and that they showed that she had real input into the ideas and content of the essay. Based on the above evidence, the Panel concluded that the Student took notes and gave them to Bryan who took the words and ideas from the notes and put them into an essay form which the Student submitted as her own work. Consequently, the Panel concluded that the essay was prepared at least in part by Bryan and found the Student guilty of plagiarism, but not guilty of purchasing the paper.

PLAGIARISM

Three year suspension; notation on the transcript for four years; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student agreed with the facts put before the Panel, the sanction proposed and pleaded guilty. The Panel found the Student guilty and accepted the jointly proposed sanction. In discussing penalty, the Panel found it highly relevant that the Student had previously been suspended for one year for altering a University of Toronto medical certificate. The Panel accepted the Joint Submission, stating that it was mindful that a Joint Submission should be accepted unless to do so would be contrary to the public interest or bring the administration of justice into disrepute. The Panel found that the Student had accepted the seriousness of her conduct by pleading guilty and appearing at the hearing. Accordingly, the Panel concluded that the sanctions proposed by the Joint Submission were reasonable as they promote both individual and general deterrence while allowing for the prospect of rehabilitation. The Panel imposed a grade assignment of zero for the course; a three-year suspension; a four-year notation on the transcript; and a report be issued to the Provost.

PROVIDED AND SOLD ASSIGNMENTS TO STUDENTS THROUGH A COMMERCIAL COMPANY

Expulsion; publication of the decision with the name of the Student withheld

The Student did not attend the hearing. The Panel found that the Student had been given reasonable notice of the hearing and that the hearing should proceed in his absence. The Panel found the Student guilty. In determining the penalty, the Panel emphasized that plagiarism has been described as the most serious and egregious of academic offences and that it is difficult to both detect and get the actual provider of plagiarism. There were no mitigating circumstances, the Student did not cooperate with the University, and there was a commercial element.

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FORGED AND FALSIFIED MULTIPLE DOCUMENTS

Five year suspension; notation on transcript for five years; grade of 0 in two courses; publication of the decision with the name of the Student withheld

The Student did not attend the hearing, but the Panel found the Student had been given reasonable notice and decided to proceed in her absence. The Panel found the Student guilty of three offences. The Panel noted the seriousness of the offences, that there were multiple concurrent offences, there were no mitigating circumstances, and that the Student had no prior offences.

FORGED AND FALSIFIED MULTIPLE DOCUMENTS

Expulsion; grade of 0 in six courses; publication of the decision with the name of the Student withheld

The Student did not attend the hearing, but the Panel found he had received reasonable notice and decided to proceed in his absence. There were 8 separate incidents spanning 3 different terms, and the Student was found guilty on seventeen counts. The Tribunal noted the following: there were multiple instances of misconduct, involving many falsified medical notes, personal statements and academic petitions; the commercial aspect of purchasing the forged medical notes through an internet facility was an aggravating factor; while admitting to misconduct on several occasions the Student still attempted to mislead the University by suggesting that his third academic petition was authentic; the Student did not participate in the hearing process; the panel members were unable to gauge whether there were any mitigating factors because of the Student's non-attendance; expulsion was consistent with prior Tribunal decisions; falsifying medical documents was very serious; the conduct of the Student was an attack on the integrity of the medical verification and accommodation process; and a serious sanction was required for general deterrence.

TRIBUNAL and DISCIPLINE APPEAL BOARD DECISIONS UNDER THE CODE OF BEHAVIOUR ON ACADEMIC MATTERS (SPRING 2013)

FORGING MULTIPLE DOCUMENTS

Five year suspension; notation on the transcript for seven years or graduation, whichever is earlier; grade of 0 in three courses; publication of the decision with the name of the Student withheld

The Student forged personal statements and medical certificates to obtain academic accommodations on five different occasions over the course of three years. The Student consented to the hearing proceeding in her absence and did not attend the hearing. The Student pleaded guilty to the charges, and agreed with the facts and proposed sanction. On the issue of the nature of the offence, the Panel stated that the misconduct of forging medical documentation was even more serious than forging other types of documentation, as it implicated the integrity of third party health professionals and undermined the ability of the University to rely on the bona fides of certificates and documentation in a petition process that depended on self-reporting by students. Thus, it must be met with a very serious sanction to meet the goal of general deterrence. Regarding the likelihood of a repetition of the offence and the Student's character, the Panel stated that the multiplicity of occasions of similar conduct over a stretched period of time suggests that there was likelihood that she will repeat the misconduct. However, she had no prior discipline history and fully cooperated with the University. The Panel further stated that the proposed penalty of a five-year suspension was consistent with precedents. The Panel concluded that the sanctions proposed were reasonable in the circumstances and accepted the Joint Submission

PLAGIARISM AND CONCOCTED REFERENCES

Three and a half year suspension; notation on the transcript for five years or until the Student graduates, whichever is earlier; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student pleaded guilty, and agreed with the facts and the proposed sanction. The Panel found her guilty and noted the following: the Student cooperated, admitted the offence and participated in the process; she had extremely compelling personal circumstances; there were two prior offences; and the offence was serious.

PLAGIARISM AND CONCOCTED REFERENCES

Five year suspension; notation on transcript for five years or graduation, whichever is earlier; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student pleaded guilty, and agreed with the facts and proposed sanctions. The Panel found the Student guilty. In accepting the proposed sanctions, the Panel noted the Student had two prior offences, the Student appreciated the seriousness of the offence,

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PLAGIARISM AND CONCOCTED REFERENCES (cont'd)

and he faced deportation back to Jordan due to his student visa being revoked because his graduation had been delayed.

PLAGIARISM AND CONCOCTION

Two year suspension; notation on transcript for three years; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student did not appear, but the Panel decided she had received adequate notice and decided to proceed in her absence. The Panel found the Student guilty and noted that this was the standard sanction for a first-time plagiarism case at the Tribunal level. The Panel also noted that she did not participate in the process, there was no evidence of any mitigating circumstances, and deterrence was necessary because of the increase in this type of academic misconduct.

PLAGIARISM, CONCOCTING REFERENCES, UNAUTHORIZED ASSISTANCE, AND MISREPRESENTATION

Four year suspension; notation on transcript for six years; grade of 0 in two courses; publication of the decision with the name of the Student withheld

The Student pleaded guilty to two charges and not guilty to three other charges. The Panel found him guilty of all charges. In imposing the sanction, the Panel noted the following: the Student had two prior offences; the current offences were serious; there was no evidence of mitigating circumstances regarding these offences; he cooperated and engaged in the process; and when imposing the four year suspension, took into account that he had not take any courses over the past year since he was charged.

FALSIFYING ACADEMIC RECORDS TO EMPLOYERS ON MULTIPLE OCCASIONS – APPEAL DECISION

Expulsion; publication of the decision with the name of the Student withheld

The University appealed the sanction of a Tribunal decision to the Discipline Appeals Board. The Tribunal had given a five-year suspension, but the Appeals Board overruled and recommended expulsion. The Board stated that it had very broad powers which meant that it need grant little deference to the Trial Panel decision, except perhaps on issues of credibility. This was not such a case as the Student did not testify. The Board stated that the most serious penalty, in the most serious cases, was a real deterrent and it remained an important element in setting penalties in serious cases. The message conveyed that falsifying transcripts generally meant expulsion and not just suspension

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FALSIFYING ACADEMIC RECORDS TO EMPLOYERS ON MULTIPLE OCCASIONS – APPEAL DECISION (cont'd)

accomplished deterrence, a legitimate purpose of sentencing. Moreover, the Board found that in this case, there were no extenuating circumstances that would justify a lesser sentence and expressed a concern that if expulsion was not the result in this case, then it would be difficult to justify expulsion in any case. Here the Student made no personal expression of remorse nor offered any explanation, and as such, the Trial Panel and the Board were left completely in the dark without any explanation for his behaviour and conduct on the original actions, the subsequent denials, and the future prospects. The Board also found it significant that the Student further submitted falsified academic records after being warned by a potential employer who spotted anomalies and contacted him. Furthermore, the Board found that it was difficult to place much weight on the evidence given by the Student's psychiatrist without any direct evidence from the Student himself. On the issue that the Student had accumulated sufficient credits to graduate, the Board refused to give effect to this factor, stating that it would convey the message that it would lighten the penalty if a student continues to cover up and deny, until sufficient credits are obtained. In closing, the Board stated that the deterrent effect of the penalty and the harm occasioned to the University by the nature of the offence were the two most important sentencing principles in such a serious case. The Board found that there was nothing in this case that could blunt or ameliorate the facts of the case or the need for consistency and uniformity in sentencing principles, in order not to skew future cases.

FALSIFYING RESEARCH RESULTS IN PH.D. PROGRAM – APPEAL DECISION

Expulsion; grade of 0 in the course; publication of the decision with the name of the Student withheld

The Student appealed the expulsion recommendation from the Tribunal, but not the finding of academic misconduct. After a number of correspondences with the University, the Student did not attend the hearing. In his submissions, the Student asserted that he had made every effort to address his mistakes and did not attempt to deceive anyone. He also claimed that the prosecution was motivated by the supervisor's concern that if he left, the supervisor would lose grant funding. The Board found that this attempt to introduce new evidence did not meet the criteria for the admission of fresh evidence. Furthermore, the Student's allegations were entirely contrary to the factual findings made by the Trial Panel. The Board agreed with the Tribunal that the deliberate falsification of research results by the Student in a Ph.D. program was a serious and inexcusable offence and found that it clearly supported the sanction imposed. Moreover, the detriment to the University was clear and exacerbated by the inclusion of fabricated data in a grant proposal from the University. As for extenuating circumstances, the Board found that the Student had not demonstrated any remorse or insight and offered no prospect of rehabilitation, which was demonstrated in his submissions as well as his attempt to

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FALSIFYING RESEARCH RESULTS IN PH.D. PROGRAM – APPEAL DECISION (cont'd)

engage the appellate process to delay the result. Also, there was a likelihood of a repetition of the offence as the Student chose to disregard the warning given previously by an academic journal that had expressed concern about data fabrication. As for the character, the Board stated that the evidence suggested that the Student misled the participants in the discipline process, shifted and fabricated evidence, and attempted to blame others; this was not evidence of good character. Finally, deterring the misrepresentation of research results must be a significant priority.