



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 12, 2019 for November 21, 2019

AGENDA ITEM: 12(c)

ITEM IDENTIFICATION:

University Tribunal, Information Reports, Fall 2019

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*.

GOVERNANCE PATH:

1. **Academic Board [for information] (November 21, 2019)**

PREVIOUS ACTION TAKEN:

The last semi-annual report came to the Academic Board on May 30, 2019.

¹ <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.

DOCUMENTATION PROVIDED:

- Information Reports of Tribunal Decisions under the *Code of Behaviour on Academic Matters, 1995* (Fall 2019)

**TRIBUNAL DECISIONS UNDER THE
CODE OF BEHAVIOUR ON ACADEMIC MATTERS
(FALL 2019)**

CONCOCTION and FALSIFIED DOCUMENT

Expulsion; grade of zero in the course; up to five-year suspension; publication of decision and sanctions with Student's name withheld

The Student submitted a report for course credit containing concocted sources and falsified a disciplinary letter from the Vice-Dean, Undergraduate at UTM. In finding the Student guilty, and in imposing the sanctions, the Panel noted the following: these acts were the Student's second and third academic offences; the offences were very serious, as they involved calculated dishonesty; the Tribunal has generally imposed a recommendation of expulsion in similar cases; submissions regarding the Student's good character were not supported by any evidence; and, while these submissions were not entirely disregarded by the Panel, it was very difficult for the Panel to weigh them against the significant factors militating in favour of the sanction requested by the University (and ultimately imposed).

NOTE: THE STUDENT APPEALED THE FINDING AND SANCTIONS

The Student appealed the Tribunal decision on the basis that the Tribunal had applied the wrong standard of proof in determining guilt. The Discipline Appeals Board unanimously upheld the Tribunal decision. In doing so, the Board noted the following: the Supreme Court of Canada concluded that there was only one standard of proof in civil cases, and that is proof on a balance of probabilities; there was a consistent and substantial body of Tribunal and Appeal Board authority which had interpreted the standard of proof found in the *Code* as being on a balance of probabilities; the wording employed in the *Code* supports the conclusion that the applicable standard of proof is proof on a balance of probabilities; and, even if the Board was wrong, the result in this case would not have been any different given the key findings by the Tribunal, including the Student's own evidence.

FALSIFIED ACADEMIC RECORD

Expulsion; cancellation and removal of transfer credits from academic record; up to five-year suspension; publication of a notice of decision and sanctions with Student's name withheld.

The Student submitted a falsified academic transcript in support of their application for admission to the University of Toronto. In finding the Student guilty, and in imposing the sanctions, the Panel noted the following: the Tribunal had recommended expulsion for transcript forgery in similar cases; the Student was provided a fair opportunity to attend

the hearing, did not do so; the Student's misconduct was flagrant and deliberate, and may not have been detected but for the diligence of the Academic Integrity Office; and, there was no mitigating evidence.

FORGED ACADEMIC TRANSCRIPT

Expulsion; up to five-year suspension; publication of decision and sanctions with Student's name withheld

The Student circulated a fraudulent University of Toronto diploma bearing their name. In finding the Student guilty, and in imposing the sanctions, the Panel noted the following: the Student did not participate at any stage of the discipline process, nor had they engaged in any way with the University since 2013; this was the Student's first offence; forging academic records was a serious offence detrimental to the reputation and integrity of the University; general deterrence was important; there was no evidence of remorse or mitigating circumstances; and the recommendation of expulsion in this case was consistent with the approach of the Tribunal in other similar cases.

MULTIPLE PLAGIARISMS AS WELL AS AN UNAUTHORIZED AID

Four-year suspension; grade of zero in two courses; notation until one year after graduation, withdrawal or program termination; publication of decision and sanction with name of Student withheld

The Student plagiarized a Book Review, a Slide Presentation, and was in possession of notes during a final exam. The Student agreed with the facts and proposed sanctions. In finding the Student guilty, and in imposing the agreed-upon sanctions, the Panel noted the following: this was the Student's first offence; and the penalty was in accordance with other decisions of the Tribunal in similar circumstances.

FORGED DEGREE CERTIFICATE

Expulsion; up to five-year suspension; publication of decision and sanctions with Student's name withheld

The Student submitted a forged degree certificate when applying for employment. The Student 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 offence was serious; it was critical to the integrity of the University and its reputation that others be able to rely upon official academic records; the sanction was consistent with other cases; and, the mitigating circumstances did not outweigh the seriousness of the offence.

PLAGIARIZED A REVIEW

Expulsion; up to five-year suspension; grade of zero in the course; publication of decision and sanctions with Student's name withheld

The Student purchased a film review, and submitted it for course credit. In finding the Student guilty, and in imposing the sanctions, the Panel noted the following: submitting purchased work for academic credit was among the most egregious offences; barring mitigating factors, expulsion should be the likely result; a concurrent offence, to which the Student admitted guilt immediately, was an aggravating factor; there was no evidence of good character and no evidence of remorse; and, the Student's willingness to admit to the offence only after learning that another student had already admitted to purchasing the same paper was an aggravating factor.

MULTIPLE PLAGIARIZED ESSAYS

Five-year suspension; grade of zero in the course; notation on the transcript for seven years or graduation, whichever comes first; publication of decision and sanctions with Student's name withheld

The Student purchased two papers and submitted for course credit. The Student agreed with the facts and proposed sanctions. In finding the Student guilty, and in imposing the agreed-upon sanctions, the Panel noted the following: purchasing essay offences are among the most serious that can be committed; these offences involve planning and deliberate deception, and are difficult to detect; the Student committed two offences; the Student cooperated and admitted guilt early in the process; and, the Student showed remorse.

PLAGIARIZED MULTIPLE ACADEMIC DOCUMENTS

Three-year suspension; grade of zero in five courses; notation on transcript for three years; publication of decision and sanctions with the Student's name withheld

The Student plagiarized four essays and a take home examination, in five different courses. The Student agreed with the facts and pleaded guilty. In finding the Student guilty, and in imposing the sanctions, the Panel noted the following: the offences were serious; the Student pleaded guilty; there were extensive mitigating circumstances, including documented and detailed medical evidence, as well as very serious personal circumstances; the medical evidence pointed to a low likelihood of reoffending; and there were no aggravating circumstances.

FORGED MEDICAL NOTE

Three-year suspension; grade of zero in two courses; notation on transcript for four years; publication of decision and sanctions with the Student's name withheld

The Student forged a Verification of Student Illness or Injury Form and submitted it in order to support deferring exams in two courses. The Panel found the Student guilty, and in imposing the sanctions, noted the following: this was a deliberate and careful falsification; there was a need for general deterrence; the Student did not participate; there was no evidence of any mitigating circumstances; submitting a falsified medical document undermined the University's accommodation process; the sanctions were consistent with other cases; and the Student had a prior plagiarism offence.

MULTIPLE PLAGIARISMS

Four-year suspension; grade of zero in two courses; notation on transcript for five years; publication of decision and sanctions with the Student's name withheld

The Student plagiarized a lab report and a book review. The Panel found the Student guilty, and in imposing the sanctions, noted the following: there were multiple offences; the Student had no prior disciplinary history; the Student took steps to prevent detection; the Student showed a lack of remorse and responsibility for their actions; and there was a need to balance deterrence with the opportunity to learn from their mistakes.

PLAGIARISED AN ASSIGNMENT

Five-year suspension; grade of zero in the course; notation on transcript for six years; publication of decision and sanctions with the Student's name withheld

The Student hired someone to write an assignment. The Student agreed with the facts and pleaded guilty. In finding the Student guilty, and in imposing the sanctions, the Panel noted the following: the presumed penalty for this type of offence was expulsion unless there were mitigating circumstances, in which case the result would be a five-year suspension; there was a commercial element to the offence, which was an aggravating factor; the Student only started cooperating and admitting guilt just before the hearing was to start; although admitting guilt, the Student still attempted to blame others and did not accept full responsibility; and the offence diminished the value of the work done by other students.