

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on April 12, 2016.

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 am. S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

A [REDACTED] D [REDACTED] S [REDACTED]

REASONS FOR DECISION

Hearing Date: July 12, 2016

Members of the Panel:

Mr. William C. McDowell, Lawyer, Chair
Professor Ernest Lam, Faculty Panel Member
Mr. Sean McGowan, Student Panel Member

Appearances:

Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers
Ms. Lucy Gaspini, Manager, Academic Integrity and Affairs, University of Toronto – Mississauga (“UTM”)
Professor Divya Maharajh, Course Instructor for CCT208, (via Skype)

In Attendance:

Ms. Tracey Gameiro, Associate Director, Appeals, Discipline and Faculty Grievances
Mr. Sean Lourim, Client Support Technologist, University of Toronto

Not In Attendance:

A [REDACTED] D [REDACTED] S [REDACTED], the Student

1. The case of Mr. A [REDACTED] D [REDACTED] S [REDACTED] came before the Tribunal on July 12, 2016. Counsel for the Provost sought findings of guilt on the following charges:

A. Research Methods

1. On or about April 10, 2015, you knowingly submitted academic work, namely, a research report titled "Poor Driving Habits and Young Males: A Strong Influence?" that contained concocted references to one or more sources, contrary to section B.I.1(f) of the *Code*.

B. April 9 Letter

3. On or about October 1, 2015, 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 letter dated April 9, 2015, from the Vice-Dean Undergraduate of the University of Toronto ("April 9 Letter"), contrary to section B.I.1(a) of the *Code*.

2. For the reasons that follow, the Panel made findings of guilt with respect to these two allegations.

3. Mr. S [REDACTED] did not appear before us. We are satisfied that we had jurisdiction to proceed. Service was proved. The Provost served Mr. S [REDACTED] on May 25, 2016 at the email address Mr. S [REDACTED] had provided to the University of Toronto in its centralized records system ("ROSI"). An IT specialist, Mike Wiseman, the Acting Director, Information Security at the University, confirmed that the a [REDACTED].s [REDACTED]@mail.utoronto.ca was accessed as recently as June 29, 2016 at 1:25 a.m. No communication was received by either the Provost or

Discipline Counsel from Mr. S [REDACTED] subsequent to service of the charge documents, but we find it quite probable that he was aware of these proceedings. The Provost in any event served the student in accordance with the *Code* provisions.

Background

4. Ms. Lucy Gaspini, Manager Academic Integrity and Affairs at UTM, testified before the Panel, as did Professor Divya Maharajh.

5. Mr. S [REDACTED] had a prior academic discipline in relation to a course CCT200H5F taught by Professor Nicole Cohen. This matter is not before us, but it forms an important part of the narrative of the present case. Professor Cohen determined that the essay submitted to her seemed to have its genesis on the web page 123helpme.com.

6. These matters were drawn to Mr. S [REDACTED]'s attention on March 11, 2015 by Kelly Hannah-Moffat, the Vice Dean Undergraduate at UTM. The Vice Dean invited Mr. S [REDACTED] to meet with her designate, Professor Michael Georges on April 6, 2015.

7. Mr. S [REDACTED] came to a meeting with the Dean's designate together with his father. Prior to the meeting, Ms. Gaspini asked Mr. S [REDACTED] whether he wished to have his father sit with him. He replied that he did not want his father to be in the room.

8. Mr. S [REDACTED] had a number of complaints about the manner in which the meeting with the Dean's designate was conducted. These submissions were eventually rejected by the Vice Provost, Professor Sioban Nelson. We were not invited to make any findings about Mr. S [REDACTED]'s complaints.

9. At the conclusion of the meeting with Professor Georges, Mr. S [REDACTED] was advised that the Dean's designate intended to recommend the following sanctions:

- Zero for the assignment;
- A further reduction of 25 marks from the final grade before us;
- An annotation on Mr. S [REDACTED]'s transcript for 12 months.

The April 9th Letter

10. Accordingly, on April 9, 2015, Vice Dean Hannah-Moffat wrote to Mr. S [REDACTED] and indicated that she had accepted the recommendation of her designate and imposed the following sanctions:

- A mark of zero (0) for the assignment in question;
- A further reduction of 25 marks from the final grade in the course;
- An annotation on transcript of "mark reduced in CCT200H5F, 2014 (9) due to academic misconduct, for 12 months, from April 6, 2015 to April 6, 2016."

11. Mr. S█████ did not accept this sanction. On October 1, 2015, he wrote to the Vice Provost, Professor Sioban Nelson, to appeal the sanction imposed by the Vice Dean. He attached the letter of sanction to his correspondence.

12. Ms. Gaspini drew to our attention several significant differences in the copy of the April 9th Letter which Mr. S█████ had provided when compared with a copy of the original.

13. Mr. S█████'s "copy" described the sanctions as follows:

- A mark of zero (zero for the assignment in question);
- A reduction of 25 marks from the final grade in the course; and
- An annotation on transcript of "mark reduced in CCT200H5F, 2014 (9) [...]"

14. The word "further" did not appear before "reduction" in the second bullet, and the space before "reduction" have been altered so that the word "further" would not have fit in that space. This was drawn to Mr. S█████'s attention.

15. On November 17, 2015, the Vice Provost wrote to Mr. S█████ in relation to his appeal. In the course of that letter, she observed that "the April 9th sanction letter that you included differs from the original. We would appreciate your including a note on this in your response."

16. The University received no further correspondence or communication from Mr. S█████.

17. We were satisfied that the April 9th Letter had indeed been falsified. As Mr. Centa observed, there might have been a technical problem with the scanning which could have eliminated one line of the letter. This seems unlikely, as the Student did not appear to provide any suggestion of that sort, and in the absence of any other evidence, we conclude that the omitted line came about because of Mr. S█████'s alteration of the document.

18. There appears to be no innocent explanation for the deletion of the word "further" from the document. We accept the submission of the Provost that "further" was deleted in order to create ambiguity as to whether Mr. S█████'s grade for the course was to have been reduced merely by 25%, or reduced in two measures, i.e. a grade of zero on a paper and a further reduction of his course grade by 25%.

Research Methods

19. Professor Divya Maharajh testified concerning Mr. S█████'s course work in CCT208H5S which she has taught approximately 25 times as a sessional lecturer. Professor Maharajh taught the course in the winter term between January and April.

20. The course was entitled "Writing & Research Methods in Communication". Students were required to submit a final research assignment. By that time in the course, they were expected to have completed a small empirical research project. The final assignment required them to present and discuss the results of the research which they had conducted.

21. Professor Majarajh addressed issues of attribution and academic ethics extensively at the beginning of her course. She provided students with references to the text "how not to plagiarize", a University of Toronto publication written by Margaret Proctor. She also advised students that they would in all likelihood be required to submit their written work to Turnitin.com, a widely-used program to protect from plagiarism.

22. Mr. S█████ submitted a final paper entitled "Poor Driving Habits and Young Males: A Strong Influence?". Mr. S█████ claimed to have surveyed 50 male drivers at UTM. He described this group at an average age of 21, and individuals in the group ranged in age from 18 to 25 years.

23. Mr. S█████'s survey disclosed a striking increase in the desire "to speed over posted limits" where participants had watched films depicting unlawful driving practices. For example, 100% of the control group had viewed such films in the recent past; 84% acknowledged the desire to speed unlawfully having seen such a film. Professor Majarajh's Teaching Assistant thought that these results seemed suspect. Professor Majarajh looked into the issue, and in the course of her consideration sought to verify two references provided in the course of the report:

Lake, David, "The Mindset of Media", University of Queen's, 2008, and Thomson, Jill, "Driving Habits of Young Males" (2011) Harvard University.

24. Professor Majarajh determined that no articles under that title had ever been published, nor was there any evidence that either had ever been written.

Mr. S█████'s bibliography suffered from the further defects that there is no such institution as the "University of Queen's"; it is not known whether there is a real life Professor David Lake or Professor Jill Thomson.

25. We accepted the evidence of Professor Majarajh that the sources purportedly cited by Mr. S█████ did not exist.

26. The University chose to refer the allegations in relation to the research methods course to the Tribunal together with the allegations surrounding the April 9th Letter.

Penalty

27. Mr. Centa provided us with a chart of cases involving the falsification of documents. In all but one instance, the sanction of expulsion had been imposed, for example, the case of *University of Toronto and S█████ F█████* (Case No. 833, March 8, 2016; Ms. Johann Braden, Chair). The student had falsified a letter on University letterhead confirming that she was registered at the University of Toronto Mississauga. The letter contained a forged signature and letterhead; the student was not at the material time at the University.

28. In that case, the Tribunal noted that the student had not appeared at the hearing, no extenuating circumstances were apparent, and there was a need for deterrence. The Tribunal recommended that Ms. F█████ be expelled from the University.

29. Similarly, in *University of Toronto and F█████ A█████* (Case No. 450, July 17, 2009; Ms. Rodica David, Chair) the student admitted to having composed a forged letter in order to obtain a student loan from a bank. This was the student's third academic offence in three years. The Tribunal recommended expulsion, pending which the student would be suspended for up to five years.

30. We believe that the conduct of Mr. S█████ was even more serious than any of the allegations in the other cases cited. He chose to appeal the sanction imposed in relation to an offence of academic dishonesty, as was his right. It is astonishing that in exercising his appeal right he would falsify the very document under consideration by the Vice Provost. This is tantamount to a party in Court proceedings seeking to appeal a decision of the trial Court, but falsifying the order or reasons handed down by that Court. We condemn Mr. S█████'s actions in the strongest terms.

31. Needless to say, we believe that our Order should reflect the abhorrence of the Tribunal for this kind of misconduct, and should seek to deter other students from contemplating any sort of alteration of any University documents.

32. For these reasons:

- (a) Mr. S█████ shall immediately be suspended from the University for a period of up to five years;

- (b) The Tribunal recommends to the President that he recommend to Governing Council that Mr. S [REDACTED] be expelled from the University; and
- (c) This case shall be reported to the Provost for publication and notice of the Decision of the Tribunal and the sanction imposed with the name of the student withheld.

DATED at Toronto, this 12th day of August, 2016.



William C. McDowell, Chair