

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on November 6, 2015,

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 -

O █████ S █████

REASONS FOR DECISION

Hearing Date: February 5, 2016

Members of the Panel:

Mr. William C. McDowell, Lawyer, Chair
Professor Markus Bussmann, Faculty Panel Member
Ms. Alberta Tam, Student Panel Member

Appearances:

Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers
Ms. Lucy Gaspini, Manager, Academic Integrity & Affairs, Office of the Dean,
University of Toronto, Mississauga
Professor Kathleen Yu, Department of Economics, University of Toronto,
Mississauga

In Attendance:

Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances
Ms. Tracey Gameiro, Associate Director, Appeals, Discipline and Faculty
Grievances

Not In Attendance:

O █████ S █████, Student

1. Mr. S [REDACTED] appeared before the Panel on February 5, 2016 charged with a series of offences of academic dishonesty.

2. Mr. Centa, on behalf of the Provost, indicated that the University only sought a finding with respect to the first charge, namely,

On or after February 12, 2015, [Mr. S [REDACTED]] knowingly forged or in any other way altered or falsified [his] test paper for Term Test #3 in ECO202 ("Course"), which was a document or evidence required by the University, or he knowingly uttered, circulated or made use of that forged, altered or falsified document, contrary to section B.I.1(a) of the Code.

3. For the reasons that follow, we concluded that Mr. S [REDACTED] committed the offence in the first allegation, namely that he altered his test paper for Term Test #3 in ECO202 ("Course"), and that the test paper was a document required by the University. We also accepted that he had circulated the altered document, contrary to s. B.I.1(a) of the Code.

SERVICE

4. Mr. Centa reviewed with us correspondence with Mr. S [REDACTED] consisting of a series of emails between Mr. Centa and the student. Mr. S [REDACTED] initiated no further email correspondence after December 16, 2015. He had received disclosure of the University's case against him, and we are satisfied that he was aware that this hearing was to take place. We note that in

the correspondence from the Office of Appeals, Discipline and Faculty Grievances, Ms. Krista Osborne advised Mr. S [REDACTED] as follows:

You may choose to attend the hearing with or without representation, or not to attend at all. If you do not attend, the hearing may take place without you and you will not be entitled to further notice in the proceeding. If you do not attend you will be notified in writing of the outcome. [emphasis in the original]

In these circumstances we thought it appropriate to proceed.

THE FACTS

5. Mr. S [REDACTED] enrolled in the Course which was taught by Professor Kathleen N. Yu at the University of Toronto Mississauga ("UTM"). The Course canvassed various topics in macroeconomics, monetary assistance, and economic stabilization policies, among others. The syllabus contained detailed instructions with respect to the course work as well as the mechanics of grading.

6. Professor Yu required that each student execute a document known as the Course Syllabus Acknowledgement Form ("the CSAF"). This document outlined the expectations from the point of view of the instructor as well as the student. Mr. S [REDACTED] executed the CSAF on September 28, 2014. In so doing, he represented that he had read and understood the policies "stated in the University's Code of Behaviour on Academic Matters and Code of Student Conduct and will abide by those policies".

7. On February 12, 2015, Mr. S [REDACTED] handed in Term Test #3. The test canvassed policies which might be put in place to address the financial crisis of 2008, should those after effects continue to be felt in the economy in 2013. It

required that students draw graphs illustrating the labour market as well as other components such as the aggregate supply and aggregate demand present in the economy.

8. Mr. S [REDACTED] achieved a grade of 19 points out of a possible 50. Unhappy with this result, he purported to submit Term Test #3 for re-grading. Professor Yu is an extremely diligent instructor. When she returns tests to students, she first scans each test so there is a digital copy of the student's work product. It seems that Mr. S [REDACTED] was unaware of this, because he made significant and obvious alterations to his test, to correct some fundamental errors which he had made. He also made certain additions. To take the very simple example, he had written in the original "since unemployed [sic] decreased, GEP increased hence we show that as shift of variables AD [or aggregate demand] to the right from point D to E in the AD/AS graph." This was incorrect; when he submitted the paper for re-grading he had changed "AD" to "AS".

9. He had also added significant statements to the essay portion of the exam and modified the graphs which had been previously submitted. Professor Yu quickly realized that the test paper had been altered.

10. The Panel inquired whether the illicit alterations would have improved the mark. Quite fairly, Professor Yu said that she thought that this would have been the effect, but had not concluded grading the paper once she realized that portions of it had been altered.

11. The alteration of the paper was obvious. On the evidence before us, there did not appear to be any question that Professor Yu received the paper from Mr. S [REDACTED]. We could not think of any alternate explanation on the record before us, and accordingly found that Mr. S [REDACTED] had committed the offence charged.

PENALTY

12. Mr. Centa provided us with a Brief of Authorities. There did not appear to be a case directly on point. The decisions which we reviewed all involved either students who had had prior convictions for offences of dishonesty or students who had committed multiple offences which came on for hearing before the Panel at the same time. For that reason, the penalty which we imposed was somewhat more lenient than it might have been. We found that the following sanction was appropriate:

- (a) Mr. S [REDACTED] shall receive a grade of zero in the Course;
- (b) He shall be suspended from the University for 2 years from the date of our Order, dated February 5, 2016;
- (c) A notation on his record shall remain for 3 years from the date of our Order, dated February 5, 2016;

- (d) The matter shall be reported to Provost who may publish a notice of the decision of the University Tribunal and the sanctions imposed, with Mr. S [REDACTED] name withheld.

DATED at Toronto, this 15th day of June, 2016.



William C. McDowell, Co-Chair