

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic misconduct made on March 10, 2022

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters, 2019,*

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 -

P ■■■ D ■■■

REASONS FOR DECISION

Hearing Dates: December 8 and 11, 2023, via Zoom

Members of the Panel:

Alexi Wood, Chair

Professor Marvin Zuker, Faculty Panel Member

Cameron Miranda-Radbord, Student Panel Member

Appearances:

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

Ryan Shah, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

Samanthe Huang, Coordinator and Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances

Not in Attendance:

P ■■■ D ■■■

A. INTRODUCTION

1. This case deals with one of the most serious of offences: fabricating research for a PhD thesis. The penalty for such an offence includes a recommendation to cancel and recall a degree. This penalty has the potential to ruin a student’s career, and the nature of the misconduct risks jeopardizing the reputation of the University. This case was further complicated because the Student had not responded to any correspondence and it was unclear where she was living. The Panel wishes to thank Assistant Discipline Counsel for its careful and thorough presentation of the facts.

B. OVERVIEW

2. On December 8, 2023, a Panel of the University Tribunal convened by videoconference to hear the University of Toronto’s (the “University”) allegations that P█████D█████(the “Student”) violated either or both sections B.I.1(f) and B.I.3(b) of the *Code of Behaviour on Academic Matters, 2019* (the “Code”).

3. The Student did not attend the hearing. The Panel found that the Student had reasonable notice of the hearing and the charges pursuant to the *Statutory Powers Procedure Act* (“SPPA”)¹ and The University Tribunal’s *Rules of Practice and Procedure* (the “Rules”). The hearing proceeded in the Student’s absence.

¹ RSO 1990, c S.22

4. The Panel found the Student guilty of the academic offence of knowingly submitting academic work containing purported statements of fact or references to sources that had been concocted, contrary to section B.I.1(f) of the Code.

5. The hearing reconvened before the same Panel on December 11, 2023, to address the issue of penalty. The Panel made the Order outlined below with reasons to follow. These are the reasons.

C. THE CHARGES

6. By letter dated March 10, 2022, the University outlined the charges against the Student as follows:

- a. In 2017, the Student submitted her thesis titled “Strength in Numbers: The Moral Antecedent and Consequence of Consumer Conformity” in conformity with the requirements for the degree of Doctor of Philosophy knowing that it contained purported statements of fact or references to sources that had been concocted, contrary to section B.I.1(f) of the Code.
- b. In the alternative to the charge above, in 2017, the Student knowingly 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.

7. The particulars related to the charges are as follows:

- a. At all material times, the Student was a registered student at the University of Toronto, School of Graduate Studies, Joseph R. Rotman School of Management.
- b. In 2017, the Student submitted her thesis titled “Strength in Numbers: The Moral Antecedent and Consequence of Consumer Conformity” in conformity with the requirements for the degree of Doctor of Philosophy.

- c. The Student knew that her thesis contained purported statements of fact or references to sources that had been concocted. These statements and references included, but were not limited to those contained in Chapter 2, Essay 1, Study 4, which reported data collected using the conformist attitude measure, even though no data were collected using this measure for Study 4.
- d. The Student knew that her thesis was based on manipulated or fabricated data when she submitted it for academic credit and advantage and to obtain her Doctor of Philosophy degree.

D. FINDING

8. The Provost agreed that if the Panel found the Student to have committed the offence listed in paragraph 6(a), then the Provost would withdraw the remaining charges listed in paragraph 6.

9. After hearing the submissions of Assistant Discipline Counsel, the Panel found that the Student had committed the offence listed in paragraph 6(a). As a result of this finding, the Provost agreed to withdraw the remaining charge listed in paragraph 6.

10. At the conclusion of the hearing, the Panel ordered that:

- a. the Student receive a final grade of zero in the course RST9999Y Research/Thesis;
- b. the Tribunal recommend to the Governing Council that it cancel and recall the Student's Doctor of Philosophy degree, which was conferred in June 2017;
- c. the sanction shall be permanently recorded on the Student's academic record and transcript; and
- d. this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the name of the Student withheld.

Paragraph 10(a) through (d) will be referred to as the Penalty Ordered.

E. JURISDICTION

11. The Student received her degree from the University in June 2017. As a threshold matter, the Panel first must determine that it has jurisdiction to hear this matter. This includes determining whether the Code and the policies on which the Provost will rely apply to a former student.

12. Section B(i)(4) of the Code states:

4. A graduate of the University may be charged with any of the above offences committed knowingly while he or she was an active student, when, in the opinion of the Provost, the offence, if detected, would have resulted in a sanction sufficiently severe that the degree would not have been granted at the time that it was.

13. The Code therefore applies to former students who committed an offence while they were active students, and the Tribunal has jurisdiction to hear this matter. The Rules and the SPPA apply to hearings before the Tribunal, and are not affected by the fact that the Student is a former student.

14. However, the *Policy on Official Correspondence with Students* (the “Policy”) applies to students. Assistant Discipline Counsel did not rely on this Policy in this hearing, given the Student is a former student.

F. FACTS

15. The facts giving rise to this matter are complicated for a variety of reasons, including that the Student graduated in 2017. Since then, she has not kept in touch with faculty at the University, and she abruptly left another position at Northwestern University in the United States.

16. Before addressing notice, some background facts are helpful for context.

17. The Student was a PhD candidate from 2012 to 2017.² Dr. Chen-Bo Zhong, a Professor of Organizational Behavior and Human Resource Management at the Rotman School of Management (“Rotman”), was the Student’s doctoral co-supervisor from 2014 until she received her PhD in June 2017.

Dr. Zhong and the Student Author Papers Together

18. Dr. Zhong worked with the Student on several research projects. Three of them were eventually published in academic journals. They were:

- a. The SPPS Paper: [the Student], Huang, X., & Zhong, C. B. (2015). Ray of hope: Hopelessness increases preferences for brighter lighting. *Social Psychological and Personality Science*, 6, 84–91 (the “SPPS Paper”).
- b. The JCR Paper: [the Student], Zhong, C.-B. (2017). Witnessing moral violations increases conformity in consumption. *Journal of Consumer Research*, 44(4), 778–793 (the “JCR Paper”).
- c. The Psychological Science Paper: [the Student], Zhong, C.-B. (2018). Visual Darkness Reduces Perceived Risk of Contagious-Disease Transmission From Interpersonal Interaction. *Psychological Science*, 29(7), 1049-1061 (the “Psychological Science Paper”).

(Collectively the “Research Papers”)

² Leonardelli Offence affidavit, para 3.

19. Dr. Zhong testified that for each paper, he was a faculty co-author. This meant that he provided conceptual guidance but relied on the Student to conduct the experiments and carry out the analysis. The Panel was concerned that Dr. Zhong had possibly not sufficiently supervised the Student, which had contributed to her errors. However, Dr. Zhong testified that this approach is standard in academia for both papers and for the ultimate thesis: that faculty do not actively participate in the underlying research but rather rely on the student to conduct the experiments and provide the data. The Panel accepts this evidence.

20. Dr. Zhong testified that he consistently emphasized to the Student the importance of research ethics and integrity. He stated that this issue was particularly important to him because their area of research is receiving increasing methodological scrutiny.³

G. NOTICE

21. The Student was neither present nor represented at the hearing.

22. The University presented evidence from:

a. Chen-Bo Zhong, a Professor of Organizational Behavior and Human Resource Management at the Rotman School of Management (“Rotman”) at the University of Toronto. Dr. Zhong was the Student’s doctoral co-supervisor. He also collaborated with the Student on the Research Papers.

b. Lorraine Ferris, the Associate Vice-President, Research Oversight and Compliance at the University;

³ Zhong Offence Affidavit, para 6.

- c. Geoffrey Leonardelli, a Professor of Organizational Behavior and Human Resource Management at the Rotman School of Management at the University of Toronto. Dr. Leonardelli was a member of the Committee established to investigate allegations of research misconduct against the Student.

23. It also presented evidence by way of affidavits from Andrew Wagg, Manager, Incident Response at Information Security, Information Technology Services at the University, as well as Natalia Botelho, a legal assistant, and Catherine Fan, a lawyer at Paliare Roland Rosenberg Rothstein LLP.

24. Section 6 of the SPPA requires reasonable notice of the hearing be provided to the parties. Rule 13 of the Rules provides for the methods of service of documents, including charges and notices of hearing. This includes personal service, sending a copy of the document by courier to the student's mailing address contained in the University's Repository of Student Information ("ROSI"), or sending a copy of the document by email to the email address contained in ROSI.

25. Section 7 of the SPPA and rule 21 of the Rules allow this tribunal to proceed in the absence of a student where notice has been given. When proceeding in the absence of a student, the University must demonstrate it took reasonable steps to notify the student of the charges and of the hearing. The University does not need to prove actual notice.⁴

26. The University clearly attempted to contact the Student through every possible avenue. The steps it took were extensive. Given the severity of the punishment sought, the Panel appreciates the steps taken by the University even if it exceeded what is technically required.

⁴ *The University of Toronto and O.E.R.* (Case No 981, March 4, 2019) at para 37.

Attempts to Contact the Student about the Psychology Science Paper

27. When Dr. Zhong first learned of the issues with the Psychology Science Paper, he spoke with Steve Lindsay, the editor of Psychology Science, and the Student. They all agreed to retract the paper. Dr. Zhong has had no communication with the Student since that time.⁵

28. In 2019, Ms. Ferris and the Research Oversight and Compliance Office (“ROCO”) became aware of allegations that the Student may have engaged in academic misconduct in connection with her doctoral thesis. From that point on, Ms. Ferris attempted to contact the Student. She was never successful.

29. On November 11, 2019, Ms. Ferris attempted to reach the Student by emailing her at her Northwestern University email address and her Rotman School of Management email address. The email stated that ROCO had important confidential information to communicate to the Student in a timely manner. Ms. Ferris received a bounce back message from the Northwestern University email address, and the Rotman address was no longer active.

30. On November 25, 2019, Ms. Ferris’ office emailed the Student at her University of Toronto email address. She did not receive a response and contacted Northwestern University and spoke to Luran Qualkenbush, Director, Office for Research Integrity. Director Qualkenbush told Ms. Ferris that Northwestern University had a personal email address for the Student, but that they could not share that address. Director Qualkenbush offered to forward a message from the University to the Student. Ms. Ferris sent a letter for the Student to Director Qualkenbush on

⁵ Dr. Zhong’s affidavit filed on the notice issue states at paragraph 6 that he had not had any contact with the Student since “late 2019.” Mr. Shah clarified during oral submissions that this was an error and that Dr. Zhong had not had any communication with the Student since late 2018.

January 6, 2020. Director Qualkenbush confirmed that the letter had been forwarded to the last known personal email address that Northwestern University had for the Student. Ms. Ferris received no reply.

31. In August 2020, ROCO again emailed the Student at her Northwestern University email address and her Rotman email address. Ms. Ferris received no reply.

Transcript Request

32. However, on September 8, 2020, someone ordered a copy of the Student's transcript from the University's online transcript system. The person listed the Student's name as the name of the person requesting the transcript. They also provided a 647 phone number, a gmail email address that contained the Student's name, and an address on Yonge Street (the "Transcript Request Contact Information"). They provided a copy of the Student's passport to verify the Student's consent to issue the transcript. This information was not discovered until August 9, 2022.

Attempts to Contact the Student about the Charges

33. In addition:

- a. On March 10, 2022, the Office of the Vice-Provost, Faculty and Academic Life served the charges in this matter on the Student by email to the mail.utoronto.ca and Northwestern University email addresses.
- b. On May 10, 2022, William Webb, Assistant Discipline Counsel, emailed a disclosure letter containing a secure link to the documents relevant to this matter. This was also emailed to the mail.utoronto.ca and Northwestern University email addresses. Mr.

Webb received a bounce back message that the Northwestern email address could not be found.

- c. On May 10, 2022, Rob Centa, former Assistant Discipline Counsel, emailed the Student to schedule a hearing date. He advised the Student that if he did not hear back from her before May 26, 2022, he would proceed to schedule a hearing date. Mr. Centa did not hear back and on June 8, 2022, Mr. Webb emailed the Student advising that he was going to schedule a hearing date.
- d. Mr. Webb requested a hearing date later that same day. He copied the Student on that email. On June 9, 2022, the ADFG Office issued a Notice of Electronic Hearing for August 23, 2022. The ADFG Office emailed the Student at both the mail.utoronto.ca and Northwestern University email addresses.

34. The University also filed evidence from Andrew Wagg, a Manager, Incident Response, at Information Security, Information Technology Services at the University. Mr. Wagg stated that on December 1, 2023, he checked the portal records to determine the last time someone accessed the Student's mail.utoronto.ca email. According to Mr. Wagg, that email was last accessed on January 31, 2018. This was before Ms. Ferris and Assistant Discipline Counsel had attempted to contact the Student, which attempts started in 2019.

Assistant Discipline Counsel Attempts to Contact the Student through the Information in ROSI

35. Assistant Discipline Counsel's office also obtained the Student's last known contact information from ROSI. Her email address was the same mail.utoronto.ca email address to which all prior communication had been sent. There were no mailing or permanent addresses listed.

However, there was a cell phone listed as well as contact information for her spouse, who was listed as her emergency contact. There was also an address and phone number for her father, who was listed as her next of kin, in China. The addresses and phone numbers listed in ROSI are different than the Transcript Request Contact Information.

36. Mr. Webb called the cell phone number and emergency contact number listed in ROSI on July 21, 2022. Both numbers were out of service.

37. Mr. Webb also called her father's number in China on July 22, 2022. The call was answered by someone who did not speak English. Mr. Webb tried the number a second time, and was able to tell the person who answered the phone that he was a lawyer for the University of Toronto, and that the University had been trying to contact the Student with important information. Mr. Webb gave the person his cell phone number. The person on the call stated that they did not know where the Student was, but that they would try to pass along the message.

38. That same day, July 22, 2022, Assistant Discipline Counsel's office couriered a package to the address listed as the emergency contact. The package contained a letter from Ms. Harmer, asking that the Student contact Ms. Harmer. The courier company reported that the building security had refused to grant access to the building because the emergency contact name did not match any names at that address.

Assistant Discipline Counsel Attempts to Contact the Student through the Transcript Request Contact Information

39. Shortly after, on August 9, 2022, Assistant Discipline Counsel learned about the transcript request that had occurred in September 2020 and about the Transcript Request Contact

Information. Mr. Webb attempted to contact the Student using all of the information from the Transcript Request Contact Information.

40. Mr. Webb emailed the email address. He stated that the University was attempting to contact the Student in connection with Code violations relating to her PhD thesis. He advised a hearing had been set for August 23, 2022.

41. Mr. Webb called the 647 number.⁶ Someone answered but hung up on him immediately when he said his name. He then received a text from that number. After a text exchange where Mr. Webb explained who he was and that he was trying to reach the Student, he received a text saying “wrong guy.” Mr. Webb also couriered a package to the Yonge Street address.⁷ The package contained a letter from Ms. Harmer, the Notice of Electronic Hearing, and the Charges in the matter. The letter could not be delivered and was returned by the courier.

Adjournment of First Hearing

42. On August 15, 2022, Ms. Harmer requested an adjournment of the hearing that was scheduled for later that month. The ADFG office responded, copying the Student and asking for the Student’s position on the adjournment. The Student did not reply. The adjournment request was granted.

Attempts to Contact the Student about the Second Hearing

⁶ The 647 number was different than all other numbers listed in ROSI.

⁷ This address was also different than the emergency contact address listed in ROSI.

43. At this point, the Assistant Discipline Counsel's office began the process again of trying to contact the Student.

44. First, Ryan Shah, a lawyer with Paliare Roland, emailed the Student on October 30, 2023, to request her availability for a hearing in December. He emailed the Student at her mail.utoronto.ca email address. He did not receive a response. He emailed her again on November 7, 2023, advising that he would book a hearing for December 8, 2023. He then emailed the ADFG office the next day to book that hearing date, and copied the Student on the email. On November 14, he also forwarded those same emails to the email address provided in the Transcript Request Contact Information.

45. On November 10, 2023, Mr. Shah also attempted to call the Student at the next of kin number listed in ROSI. When he asked if he could speak to someone who spoke English, the call was disconnected. He also texted that number the same day.

46. The ADFG Office issued a Notice of Virtual Hearing for December 8, 2023. The ADFG Office sent that Notice to the Student at both the mail.utoronto.ca and Transcript Request Contact Information email address.

47. Mr. Shah also emailed the Student on November 22 and 23, 2023 to provide her with copies of affidavits on which the Provost relied at this hearing.

48. Finally, Mr. Shah also located Facebook pages for the Student and her spouse. He messaged both of them through Facebook.

49. None of Mr. Shah's or Mr. Webb's communication was answered.

50. In addition, on December 6, 2023, Catherine Fan, a colleague of Ms. Harmer and Mr. Shah, called the number for the Student's next of kin (her father) listed in ROSI. Ms. Fan speaks Mandarin. Ms. Fan spoke to a man who said that he was the Student's father. Ms. Fan asked the Student's father to ask the Student to check her gmail and mail.utoronto.ca email addresses. Ms. Fan also provided the Student's father with Mr. Shah's contact information. The Student's father said he would speak to the Student about the matter.

Analysis and Conclusion Regarding Notice

51. The University is not required to provide actual notice. This Panel finds that the University complied with the Rules and has demonstrated that it took reasonable steps to notify the Student of the charges and of the hearing. The University complied with rule 13. Indeed, the University likely took more steps than necessary, but given the severity of the punishment sought, the Panel appreciates the extra steps taken.

52. The Panel determined it would proceed to hear the case on its merits in the Student's absence.

H. OFFENCE

53. As outlined above, the Student was a PhD candidate from 2012 to 2017.⁸ Dr. Zhong was her doctoral co-supervisor from 2014 until she received her PhD in June 2017. They collaborated on the Research Papers, with Dr. Zhong acting as the faculty co-author. He provided conceptual guidance but relied on the Student to conduct the experiments and carry out the analysis. Dr. Zhong and Dr. Leonardelli both testified that this approach is standard in academia for both papers and

⁸ Leonardelli Offence affidavit, para 3.

for the ultimate thesis: that faculty do not actively participate in the underlying research but rather rely on the student to conduct the experiments and provide the data.

Qualtrics and Data Storage

54. According to Dr. Zhong, the Student stored her data for both her thesis and the Research Papers exclusively on Qualtrics.⁹ Qualtrics is a secure online platform that University of Toronto students and faculty use to collect and store data and survey instructions for research projects.¹⁰

The Student's Thesis

55. According to Dr. Zhong, the Student's thesis, entitled "Strength in Numbers: The Moral Antecedent and Consequence of Consumer Conformity" (the "Thesis") examined how moral violations may affect the way consumers relate to others.¹¹

56. The Thesis documented five studies (the "Studies") that were designed to test several hypotheses about how consumers' moral considerations may impact their consumer choice. The Thesis also contained two essays.¹² The Thesis purported to use participants in the Studies.

The JCR Paper

57. In April 2017, the Journal of Consumer Research (the "JCR") published the JCR Paper. The JCR Paper was based on Essay 1 of the Student's Thesis.¹³

⁹ Zhong Offence Affidavit, para 11.

¹⁰ Zhong Offence Affidavit, para 10.

¹¹ Zhong Offence Affidavit, para 19.

¹² Zhong Offence Affidavit, para 20.

¹³ Zhong Offence Affidavit, para 13.

58. The JCR requires authors to be transparent in their research methods and data. The Student posted data on the Open Science Foundation (“OSF”), a website where researchers share their data.¹⁴

59. The JCR also has a Data Maintenance Policy, which requires that researchers who publish in the JCR agree to make their data available, upon request, for 5 years following publication.¹⁵

60. The JCR Paper also contained a section on data collection, which confirmed that the Student designed the studies with feedback from Dr. Zhong. It expressly stated that “All data analysis was performed by the first author and was discussed with the second author throughout the research program. Data files are available at <https://osf.io/wdu5e>.”¹⁶

61. In 2017, after the JCR Paper was published, Dr. Zhong used his OSF link to access and download the data the Student posted to OSF in connection with the JCR Paper.¹⁷ At that time, there was no issue accessing or downloading the data.

62. In August 2019, the JCR editors contacted Dr. Zhong, requesting a copy of the data in accordance with the JCR Data Maintenance Policy. Dr. Zhong did not have a copy of the original data, but he offered to provide a copy of the data he downloaded from OSF if the Student did not respond.¹⁸ The Student did not reply and on September 11, 2019, Dr. Zhong emailed the JCR editors a drop box link containing the OSF data he had previously downloaded.¹⁹

¹⁴ Zhong Offence Affidavit, para 15.

¹⁵ Zhong Offence Affidavit, para 34.

¹⁶ Zhong Offence Affidavit, para 16.

¹⁷ Zhong Offence Affidavit, para 18.

¹⁸ Zhong Offence Affidavit, para 34.

¹⁹ Zhong Offence Affidavit, para 37.

63. Prior to sending the link, Dr. Zhong noticed that the Student had restricted access to the JCR Paper data on OSF. Even though Dr. Zhong had been able to access the data in 2017, when he tried in 2019, he could not access it because the site stated that he needed permission.²⁰

64. On September 30, 2019, the JCR editors told Dr. Zhong that there were “credible concerns” about the JCR Paper.²¹ On October 7, 2019, the JCR editors notified the University’s Research Integrity Office about these concerns.²² The JCR editors noted that after they had notified Dr. Zhong and the Student about the concerns that there had been misconduct, the JCR Paper data stopped being publicly available.²³

65. On October 8, 2020, after further investigation as outlined below, the JCR Paper was retracted at Dr. Zhong’s request. The retraction stated that the JCR editors and Dr. Zhong agreed that as a result of anomalous findings, the JCR Paper was “unreliable.” The JCR editors and Dr. Zhong apologized for any issues the publication may have caused.²⁴

The Psychology Science Paper

66. In May 2018, Psychological Science published the Psychological Science Paper. For that paper, the Student stated that she designed the studies, that she supervised the research assistants who collected the data, and that she analysed the data and drafted the manuscript, with Dr. Zhong

²⁰ Zhong Offence Affidavit, para 35.

²¹ Zhong Offence Affidavit, para 38.

²² Leonardelli Offence Affidavit, para 9.

²³ Leonardelli Offence Affidavit, para 10.

²⁴ Zhong Offence Affidavit, para 45.

providing revisions.²⁵ The Student posted her materials and data for the Psychology Science Paper on the OSF.²⁶

67. A few months after publication, in May 2018, Steve Lindsay, the editor of Psychological Science, contacted Dr. Zhong and the Student because Dr. Lindsay had received a report of anomalous data patterns that could indicate research misconduct in the Psychological Science Paper. Dr. Zhong spoke to the Student, who told him that the anomalous data patterns were the product of improper, but innocent, randomization in her data collection process.²⁷ At that time, the Student offered no other explanation; she did not admit to what was later found out to be far more serious misconduct.

68. After consultation, the Student, Dr. Lindsay, and Dr. Zhong decided to retract the paper because of these concerns about the data. Psychological Science subsequently posted a retraction notice to this effect.²⁸ Dr. Zhong's reputation could have been harmed by this retraction. The Student was likely aware of this potential, and yet did nothing to protect Dr. Zhong's reputation.

69. Despite the Student's refusal to admit to her misconduct, further reports from others in the industry led Dr. Zhong to suspect that the Student or someone associated with her sat in front of lab computers and impersonated participants, manually entering data.²⁹

The Student Admits Falsification of Data

²⁵ Zhong Offence Affidavit, para 24.

²⁶ Zhong Offence Affidavit, para 25.

²⁷ Zhong Offence Affidavit, para 26.

²⁸ Zhong Offence Affidavit, para 27.

²⁹ Zhong Offence Affidavit, para 28.

70. In January 2019, Dr. Labroo, the Student's initial PhD supervisor and a colleague of Dr. Zhong's, emailed Dr. Zhong a copy of an email where the Student admitted that she failed to properly randomize the condition assignments in one of the experiments she conducted for the Psychological Science Paper, and that her husband had impersonated some of the participants.³⁰ The Student has never made this admission directly to the University.

Dr. Zhong Seeks an Outside Opinion

71. In August 2019, Dr. Zhong contacted Dr. Marcel van Assen, Associate Professor, Tilburg University. Dr. Zhong asked Dr. van Assen, a well-respected data scientist, to assist in investigating the JCR Paper. Dr. Zhong provided Dr. van Assen with the JCR Paper data that Dr. Zhong had downloaded in 2017 from OSF.³¹

72. Dr. van Assen concluded that the issues went beyond mere "questionable research practices" and indicated possible misconduct.³² Dr. van Assen's conclusions affected data and analysis found in both the JCR Paper and the Thesis.

The University Investigates the Allegations

73. In November 2019, the University appointed an Allegation Administrator to conduct a preliminary inquiry into whether the Student committed research misconduct. Dr. Zhong provided a report about the Psychological Science Paper and the JCR Paper.

³⁰ Zhong Offence Affidavit, para 32.

³¹ Zhong Offence Affidavit, para 36.

³² Zhong Offence Affidavit, para 39.

74. In the summer of 2020, the University established an Investigating Committee (the “Committee”), whose mandate was to investigate whether the data used and reported in the JCR Paper (the “Public Data”) had been manipulated to support the hypothesis advanced by the authors.³³ While the Committee was aware of the allegations about the Psychological Science Paper, those allegations were not the subject of the Committee’s investigation.³⁴

75. The Committee reviewed the Thesis and the JCR Paper and interviewed Dr. Zhong. Despite several attempts, the Committee was unable to reach the Student.³⁵

76. The Committee also reviewed the ethics protocols the Student submitted with her Thesis, under which she agreed to keep the data for a period for five years after publication of any research in which the findings were reported.³⁶ The Student agreed to keep the data on Qualtrics.

77. Dr. Geoffrey Leonardelli was a member of the Committee. He reviewed the Student’s data on Qualtrics. As part of the Committee’s investigation, he was given full access to all of the Student’s data files and survey instruments on Qualtrics. He reviewed the Studies’ data on Qualtrics, and in particular the data for Study 4 of the Student’s Thesis. In Study 4, participants were asked to read one of three stories and then complete a survey of brand preferences.³⁷ According to the Thesis, this study measured participants’ conformist attitudes. Dr. Leonardelli found the data disorganized and incomplete. There was data that appeared to have been deleted.

³³ Leonardelli Offence Affidavit, para 2.

³⁴ Leonardelli Offence Affidavit, para 19.

³⁵ Leonardelli Offence Affidavit, para 22.

³⁶ Leonardelli Offence Affidavit, para 33 and 34.

³⁷ Leonardelli Offence Affidavit, para 30.

78. Based on his thorough review of all the available information, Dr. Leonardelli concluded that the Student fabricated the data for her Thesis.³⁸

79. The Committee concluded that the Student committed two acts of research misconduct: (1) fraud in the fabrication or manipulation of published data to support a hypothesis; and (2) the destruction of research data to avoid detection of wrongdoing. In addition, the Committee exonerated Dr. Zhong from any role in the acts of research misconduct.³⁹

Dr. Elizabeth Page-Gould

80. At the hearing, the University presented Dr. Elizabeth Page-Gould, a social psychologist whose research focuses on quantitative methods, and requested that the Panel qualify her as an expert in analysis and quantitative research methods. After reviewing her qualifications and hearing submissions from Assistant Discipline Counsel, the Panel agreed and Dr. Page-Gould was qualified as an expert.

81. Dr. Page-Gould testified at the hearing. She testified that she reviewed the Studies, the Thesis and the JCR Paper as well as the data underlying each. Dr. Page-Gould explained that the Studies used open-ended questions. In analyzing the reported responses to these open-ended questions, Dr. Page-Gould found an improbable level of duplication. She testified that even one duplicate answer would be improbable and that the data contained multiple duplicate answers.

82. Dr. Page-Gould's opinion was that the data was not collected in the manner described in the Thesis.

³⁸ Leonardelli Offence Affidavit, para 39.

³⁹ Leonardelli Offence Affidavit, para 65.

I. FINDING OF GUILT

83. The onus is on the University to establish on the balance of probabilities, using clear and convincing evidence, that the Student committed the academic offence charged.⁴⁰

84. The University argued that the clear and convincing evidence demonstrated that on a balance of probabilities, the Student had fabricated data in her Thesis. In other words, that it was more likely than not that the Student fabricated her data.

85. The Panel heard evidence from Dr. Zhong, Dr. Leonardelli and Dr. Page-Gould, who was proffered and qualified as an expert in analysis and quantitative research methods.

86. Dr. Zhong testified that after discussions with the JCR editors, he was concerned about the underlying data, so much so that he agreed to retract the JCR Paper. Dr. Leonardelli and Dr. Page-Gould both testified that the data in Qualtrics and the data that Dr. Zhong had downloaded from OSF contained anomalies that rendered it fatally suspect. Based on the University's internal review, the Committee concluded that the Student falsified her data for her Thesis and then deliberately tried to delete the data to cover up this misconduct.

87. The Panel accepts this evidence and concludes that the University has met its burden. The Panel concludes that it is more likely than not that the Student fabricated the data for her Thesis and the JCR Paper.

⁴⁰ *The University of Toronto and T.J.* (Case No. 1102, November 5, 2021), para 5.

88. The Panel concludes that the University has established that the Student is guilty of academic misconduct as outlined in the charges at paragraph 6(a) of these reasons. As a result of this finding, the University withdrew the charges outlined in paragraph 6(b).

J. PENALTY

89. The University sought the sanctions in the Penalty Ordered, outlined in paragraph 10 above.

90. Assistant Discipline Counsel submitted that this penalty is in keeping with past decisions of this Tribunal and appropriately considers the six factors outlined in *University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5, 1976) which are:

- a. the character of the person charged;
- b. the likelihood of a repetition of the offence;
- c. the nature of the offence committed;
- d. any extenuating circumstances surrounding the commission of the offence;
- e. the detriment to the University occasioned by the offence; and
- f. the need to deter others from committing a similar offence.

91. No evidence was filed on the issue of penalty. However, Assistant Discipline Counsel submitted that all the evidence that was available reflected negatively on the Student and pointed to poor character. The Student fabricated data that formed the basis for her Thesis. She then relied on that data to co-author papers with her supervisor, Dr. Zhong, thereby jeopardizing his academic reputation, and the reputation of the University broadly.

92. In addition, when her scheme started to unravel, in a likely effort to cover her tracks, the Student tried to delete the data and made the OSF data unavailable.

93. Finally, when the Student learned that the JCR Paper was under review, she offered a fake explanation. She did not admit her errors at the time. This could have saved Dr. Zhong the embarrassment of later having to retract the JCR Paper without explanation.

94. Assistant Discipline Counsel submitted that the Student's pattern of behaviour suggested a likelihood she would reoffend.

95. As for the nature of the offence, Assistant Discipline Counsel submitted, and this Panel agrees, that it would be hard to imagine a more serious offence. The Student falsified data for a PhD, one of the most prestigious degrees the University can award. This has the potential to jeopardize the integrity of the University and its degrees. In addition, the Student used this falsified data to publish papers with a University professor. This yet again threatens the University's integrity. Finally, the Student relied on her improperly obtained degree to secure a tenured track position at Northwestern University.

96. The Student's actions without a doubt harm the University. PhD degrees from the University are prestigious and must be protected. Her actions risk enormous detriment to the University.

97. The Panel had no evidence on any extenuating circumstances. The Panel notes that the materials referenced possible mental health issues on the part of the Student. However, these are second hand comments. While the Panel acknowledges these comments, it must give them little weight given that the statements were not made under oath and could not be verified.

98. Finally, on deterrence, Assistant Discipline Counsel submitted, and the Panel agrees, that the academic community broadly needs to know that the University takes these issues seriously and will act to protect its degrees. Actions such as this must attract the most serious of consequences.

99. Therefore, Assistant Discipline Counsel requested that the Panel impose one of the most severe punishments available to it - recommending to the Governing Council that it cancel and recall the Student's Doctor of Philosophy degree. Assistant Discipline Counsel argued that the Student was never entitled to the degree in the first place. Had this misconduct been caught before she graduated, she would not have received the degree based on the misconduct.

100. In support of the request, Assistant Discipline Counsel provided only five relevant cases. The lack of relevant precedents underscores that these cases do not arise often, and when they do, they must attract severe consequences.

101. In all cases provided, the students were either expelled or had their degrees cancelled and recalled, even when the student appeared and provided an agreed statement of facts and joint submission on penalty.

102. Given the evidence presented and having regard to the precedent case law, the Panel concludes that the order sought by the Provost is the correct sanction.

K. CONCLUSION

103. This Panel orders that:

- a. the hearing may proceed in the absence of the Student;
- b. the Student receive a final grade of zero in the course RST9999Y Research/Thesis;

- c. the Tribunal recommend to the Governing Council that it cancel and recall the Student's Doctor of Philosophy degree, which was conferred in June 2017;
- d. the sanction shall be permanently recorded on the Student's academic record and transcript; and
- e. this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the name of the Student withheld.

Dated at Toronto at this 19th day of March 2024,

Original signed by:

Alexi Wood, Chair
On behalf of the Panel