THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on May 24, 2023,

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 amended S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

- AND -

X███ Q████ Y███

REASONS FOR DECISION

Hearing Date: December 19, 2023, and February 26, 2024, via Zoom

Members of the Panel:

Christopher Wirth, Chair
Professor Ted Kesik, Faculty Panel Member
David Lio, Student Panel Member

Appearances:

Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Janet Song, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

Nadia Bruno, Special Projects Officer, Office of Appeals, Discipline and Faculty Grievances

In Attendance:

X███ Q███ Y███

Charges and Particulars

1. A Panel of the Trial Division of the University Tribunal was convened on December 19, 2023, and February 26, 2024, by videoconference to consider charges brought by the University of Toronto (the "University") against X██ Q██ Y██ (the "Student") under the University's *Code of Behaviour on Academic Matters, 2019* (the "Code"). The charges alleged against the Student as filed by the Provost on May 24, 2023 are as follows:

    1. On or about April 21, 2021, you knowingly submitted academic work in PHC489Y1 in the form of a final report titled "Study on Comparing Two Types of voice of Pharmaceutics Learning Video" and made an oral presentation based on the final report containing and describing research inputs, tools, methodologies, data and results that had been concocted, contrary to section B.I.1(f) of the Code.

    2. In the alternative, on or about April 21, 2021, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind, contrary to section B.I.3(b) of the Code.

2. The particulars related to charges 1 and 2 are as follows:

    1. At all material times you were a student at the University of Toronto Faculty of Arts and Science.

    2. In Fall 2020 you enrolled in PHC489Y1 - Pharmaceutical Chemistry Research (the "Course").

    3. Students in the Course were evaluated on the basis of, among other things, a final report on their supervised research project worth 90% of their final grade, consisting of a written report worth 80% and an oral presentation worth 10%.

    4. On or about April 21, 2021, you submitted a final written report titled "Study on Comparing Two Types of voice of Pharmaceutics Learning Video" and made an oral presentation on your research findings (collectively, the "Research Report").

    5. After your oral presentation on April 21, 2021, you provided one of the research inputs described in your Research Report to the Course instructor.

6.   You knowingly fabricated, altered, manipulated, mislabelled or misrepresented the research inputs, tools, methodologies, data and results you submitted in connection with your Research Report.

7.   You submitted the Research Report knowing that it described and contained research inputs, tools, methodologies, data and results that had been concocted, and knowing that you had engaged in a form of cheating, academic misconduct, fraud or misrepresentation in order to obtain academic credit or advantage.

3.   Assistant Discipline Counsel advised the Panel that if a finding of guilt was made for Charge 1, the Provost would then withdraw Charge 2.

The Student's Position

4.   The Student was present and denied the charges. As a result, the hearing proceeded on the basis that the University bore the burden of proving the charges on the balance of probabilities.

Overview

5.   The University tendered the evidence of one witness, Associate Professor David Dubins ("Professor Dubins"), an Associate Professor, Teaching Stream, at the Department of Leslie Dan Faculty of Pharmacy at the University, who provided his evidence by both affidavit, which was accepted by the Panel pursuant to rule 66 of the University Tribunal's *Rules of Practice and Procedure* ("Rules"), and orally. The Student testified on her own behalf.

6.   After careful deliberation, and having considered all the evidence, the Panel found that on a balance of probabilities the evidence was sufficiently clear, cogent and convincing to discharge the burden of proof on the University and found that the Student had committed academic misconduct as alleged.

The Evidence

7.   The content of the affidavit (without Exhibits) of Professor Dubins is set out below along with relevant evidence from his examination in chief, cross-examination and any questions

from the Panel. A summary of the most relevant evidence of the Student is also set out below.

a) Evidence of Professor Dubins

8. Professor Dubins's affidavit provides as follows:

    1. I am an Associate Professor, Teaching Stream, at the Department of Leslie Dan Faculty of Pharmacy at the University of Toronto. As such, I have personal knowledge of the matters set out in this affidavit. Where I do not have personal knowledge of a matter, I state the source of my information and I believe it to be true.

    #### A.   PHC489Y1

    2. In Fall 2020 to Winter 2021, I was a research supervisor for PHC489Y1 (Pharmaceutical Chemistry Research) (the "**Course**"), which was coordinated by Professor K. Sandy Pang and Professor Robert B. Macgregor Jr. I have attached a copy of the syllabus to my affidavit as **Exhibit A**.

    3. The Course was a research project course. The goal of the Course was to introduce students in the fourth year of the Pharmaceutical Sciences specialist program to the philosophy, methodology, and performance of research.

    4. Students in the Course were required to complete a research project consisting of a preliminary report and interview outlining their research which was worth 10% of their final grade, a final report comprised of an oral presentation worth 10%, and a final written report worth 80% of their final grade. The final report grade was determined by the student's supervisor and a secondary reviewer.

    5. Students were required to find a faculty member who holds a graduate appointment in the Graduate Department of Pharmaceutical Sciences in the Leslie Dan Faculty of Pharmacy to supervise their research project.

    6. The supervisor's responsibilities included:

        (a)   defining the research problem;

(b)   ensuring the progress of the student, through guidance and encouragement, and providing resources for the project;

(c)   stimulating and evaluating the student's progress in her/his research project;

(d)   overseeing the progress of student and ensuring that the student submits her/his Final Report on time and prepares for the Oral Presentation; and

(e)   evaluating the student's progress at mid-term and assessing the student's Final Report.

7.   In the majority of cases, the supervisor would provide the student with the research project. Students were then expected, under the guidance of the supervisor, to:

(a)   develop a clear and comprehensive understanding of the research problem through a thorough review of the literature;

(b)   acquire the necessary skills to obtain and interpret data, and summarize the findings; and

(c)   critically comment on study findings, limitations and how results fit within the context of existing literature.

8.   Students were expected to devote at least 156 hours to conduct their research project, which could involve working in the laboratory (or other research setting), doing literature searches, reading, performing experiments or surveys, analyzing data, and writing a report that summarizes the project.

B.   Supervision of the Student's Research Project

9.   X█ Q█ Y█ (the "**Student**") was a student in the Course.

10.   I agreed to supervise the Student's research for the Course.

11.   During Fall 2020, I met with the Student to discuss her research topic. I proposed a study on the pedagogical utility of using a computer-generated voice for teaching, as opposed to an authentic human voice, which was especially relevant during the COVID-19 pandemic. The Student agreed to study this topic.

12.   During the Fall semester, the Student scheduled weekly meetings with me, where I helped monitor and guide her work.

13.   During our meetings, we devised a project to compare how audience members responded to a scientific presentation narrated by a computer-generated voice, with the same presentation narrated by an authentic human voice ("**Research Project**").

14.   The Student's Research Project involved setting up the same video presentation on the topic of describing the acid-base equilibria, with the same script, using the two different methods of presenting the spoken material (computer-generated vs. human).

15.   Initially, we discussed posting both videos on YouTube and then observing which video received more views. We later decided that rather than posting the videos on YouTube, the Student would present the videos to a group of students, and then administer a survey rating and comparing the two methods.

16.   During the Fall 2020 term, the Student made good progress on the Research Project.

17.   The Student created visuals for the acid-base video in PowerPoint. The Student also worked on a video script and a computer-generated voice, which was to be imposed on the PowerPoint slides.

18.   Around the end of the Fall 2020 term, I noticed the Student had not checked in with me for a while. I asked for an update on the progress of the Research Project. The Student emailed me her proposed survey questions, which I reviewed and provided comments on. A copy of this email chain from December 2020 is attached to my affidavit as **Exhibit B**.

19.   During the Winter 2021 term, the Student and I met in early January to go over her midterm evaluation and discuss her progress. I completed the "Research Supervisor" portion of the midterm evaluation, which was due on January 11, 2021. By this point, the Student had not yet collected the data for the Research Project. Accordingly, I noted that it appeared the data may not be ready by the end of the Course, but that I was confident she would continue to make progress, and that she should have plenty to talk about in her final report. A copy of the mid-term term evaluation is attached to my affidavit as **Exhibit C**.

20.   On February 4, 2021, the Student emailed me her PowerPoint presentation containing 26 slides, and a video script to accompany each slide.

21.   A copy of the Student's email dated February 4, 2021 is attached to my affidavit as **Exhibit D**.

22.   A copy of the Student's PowerPoint presentation is attached to my affidavit as **Exhibit E**.

23.   A copy of the Student's video script is attached to my affidavit as **Exhibit F**.

24.   Over the course of the Winter 2021 term, the frequency of our communications and meetings decreased. When I would periodically check-in with the Student, she advised that the work was in progress.

C.   Delay in submitting the final report and cancellation of presentation

25.   The Student's final report and presentation were initially due on April 12, 2021.

26.   On April 11, 2021, at 10:15 PM, the Student emailed one of the course coordinators, Professor Pang, to cancel the presentation. The Student stated she had a cold and could not talk much because of a sore throat. On April 12, 2021 at 10:34 AM—the day of the presentation—the Student forwarded this email to me. On April 19, 2021, I emailed the Student, as I had still not received her final report, nor had she contacted me to reschedule her presentation. The Student replied and stated that she was still editing part of the conclusion and would be submitting the final report on April 20, 2021 at 5:00 PM EST, and then would be presenting on Zoom video conference. A copy of this email chain is attached to my affidavit as **Exhibit G**.

D.   The Report

27.   On April 20, 2021, the Student submitted her written final report entitled "Study on Comparing Two Types of voice of Pharmaceutics Learning Video" (the "**Report**"). A copy of the Report is attached to my affidavit as **Exhibit H**.

28.   The Report indicated that the Student conducted the Research Project as follows:

        (a)   the study participants were 20 randomly selected pharmacy students from the University, representing an equal number of male and female participants, ranging in age from 16 to 40 years old;

(b) she presented two videos to the study participants. Each video was 10 minutes long and used the same script to present educational information on the topic of pharmaceutics, one using a human voice actor (the "**Human-Narrated Video**") and the other using a machine-generated voice (the "**Machine-Narrated Video**");

(c) the Human-Narrated Video took 100 hours to make while the Machine-Narrated Video took 3 hours to make;

(d) participants were asked to complete surveys before and after watching the videos to obtain their opinions on the Human-Narrated Video in comparison to the Machine-Narrated Video; and

(e) participants generally preferred the Machine-Narrated Video.

29. In reviewing the Report, I found that certain aspects were unusually vague or missing. In particular:

(a) the Report was vague with respect to the selection of study participants. It only stated that twenty pharmacy students were randomly selected and voluntarily took part in the surveys. It did not state the process for randomized selection;

(b) the Report was vague with respect to the methodology of the Research Project. It did not state how the videos were shown, when the videos were shown, and in what format;

(c) the Report did not include links to either the Human-Narrated Video or the Machine-Narrated Video. I was also not shown the Human-Narrated Video in advance of the Student submitting the Report; and

(d) the Student did not include the raw data underlying the Report.

30. In conjunction with the Student's decreased engagement with the supervision process, I found the vagueness and quality of the Student's Report to be concerning, and an indication that the Student had not carried out the Research Project as she had represented in the Report.
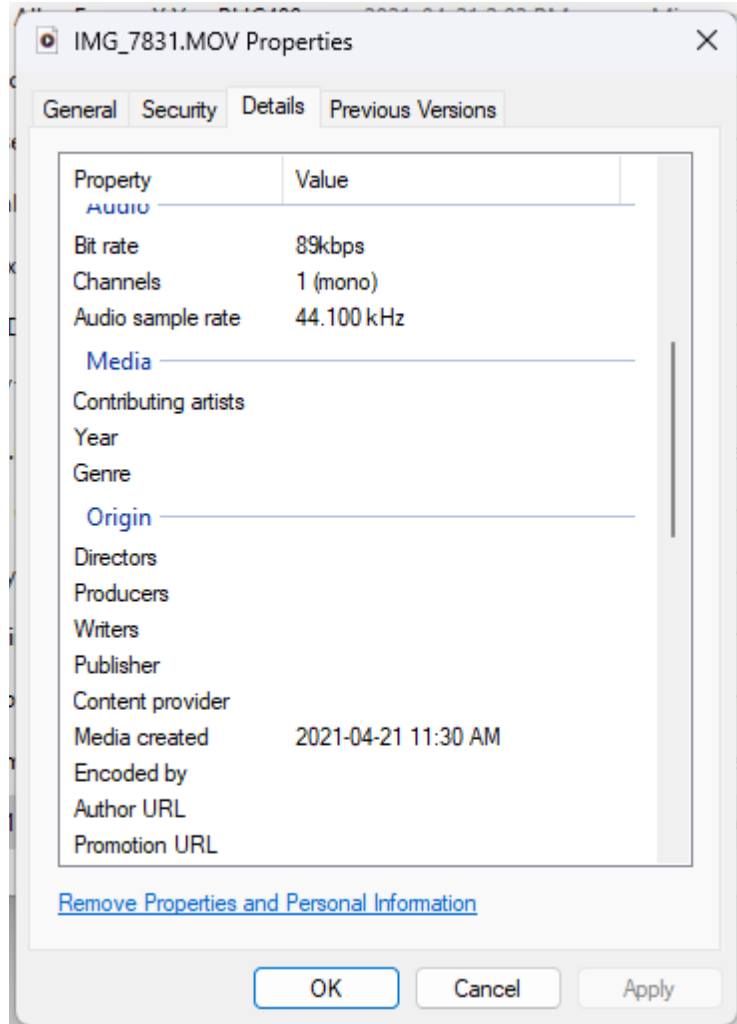
E.   *The Presentation*

31.   On April 21, 2021 starting around 11:00 AM EST, the Student presented her Research Project findings in an oral presentation format over Zoom video conference to me and Professor Pang. I recorded this Zoom video conference using the Zoom recording feature. That video recording of the Student's presentation is attached to my affidavit as **Exhibit I**.

32.   During the oral presentation, some of the Student's actions and her answers to questions raised concerns about whether the Research Project took place in the manner described in the Report. In particular:

(a)   I asked the Student to share the Human-Narrated Video during the presentation, but she was unable to do so. She stated this was because she did not show the participants the video online, but in-person;

(b)   when I asked the Student how she showed the participants the video in-person given COVID-19 restrictions on in-person meetings, she changed her answer and said she shared the videos online by using WeChat;

(c)   when I asked the Student to share the video she shared with the participants via WeChat, she paused, did not respond, and then left the Zoom meeting;

(d)   when the Student re-joined the Zoom meeting a few minutes later, she kept her camera off and did not respond to our questions for almost 15-minutes. When prompted by me or Professor Pang, she eventually said she was searching for the Human-Narrated Video;

(e)   over 15-minutes after re-joining the Zoom call, the Student shared her screen and played what she stated was the Human-Narrated Video. The video consisted of a blurry, shaky camera pointed at a computer screen, with the Student's PowerPoint presentation (previously attached as Exhibit E) playing on it. When Professor Pang and I stated we could not hear the audio, the Student stopped playing the video midway and stopped screensharing. Based on my brief observation, the video appeared to be very basic and did not meet the description of the Human-Narrated Video from the Report. It very clearly could not have taken 100 hours to produce, and did not appear to me to be a video that could have been used to fulfil the objectives of the Research Project; and

9

(f)   when I asked how the study participants were recruited, the Student said only that one of the participants was a student in neuroscience. This was inconsistent with the Report, as well as her statements earlier in the presentation, where she stated all participants were pharmacy students.

33.   Before ending the Zoom meeting, I asked the Student to send me a copy of the Human-Narrated Video she showed the study participants. I also asked for a copy of the data underlying the Report.

34.   Our Zoom call with the Student was filled with inconsistencies, awkward silences, and unanswered questions. It was odd to me that the Student disappeared from the screen for long stretches of time, but when she returned she was still unable to provide the information we were requesting. The video she eventually shared was not of a quality suitable for the purpose of the Research Project. I was very uneasy about the integrity of the research described by the Student in her Report and during the presentation following this call.

F.   *The Video*

35.   On April 21, 2021, shortly after the Student's presentation ended, the Student emailed me what was purportedly the Human-Narrated Video (the "**Video**").

36.   A recording of the Video is attached to my affidavit as **Exhibit J**.

37.   I had the following concerns with the Video sent by the Student:

(a)   I reviewed the meta-data of the file, which showed the Video was first created on April 21, 2021 at 11:30 AM—during the Student's presentation. A screenshot of the Video's metadata is attached to my affidavit as **Exhibit K**, and is included below:

(b)   the Video was a total of 2:42 minutes in duration, not 10 minutes as indicated in the Report;

(c)   the Video ends early at slide 10 of 26 of the PowerPoint presentation (previously attached as Exhibit E). Accordingly, it could not have been the complete video shown to the study participants; and

(d)   the Video consisted of the Student pointing her camera at her computer monitor and reading an excerpt of the script out loud in one take. There was nothing about this short basic video that could support the Student's claim in her Report that the Video took her 100 hours to make.

G.   *The Data File*

38.   After the presentation, the Student also emailed me a data file containing more detailed information on the demographics of the study participants (the "**Data File**"). A copy of the Student's Data File is attached to my affidavit as **Exhibit L**.

39.   I had the following concerns with the Student's Data File:

(a)   I reviewed the meta-data of the Data File, which showed the document was created on April 5, 2011 [2021] at 10:25 PM and last saved on April 21, 2021 at 1:22 PM (after the presentation). Given that the Student was originally scheduled to present on April 12, 2021, I found it unusual that the Data File was only created on April 5, 2021. I expected an earlier date so that the Student would have had sufficient time to analyze and synthesize the data for the Final Report and presentation. A copy of the meta-data of the Data File is attached to my affidavit as **Exhibit M**, and is also excerpted below:
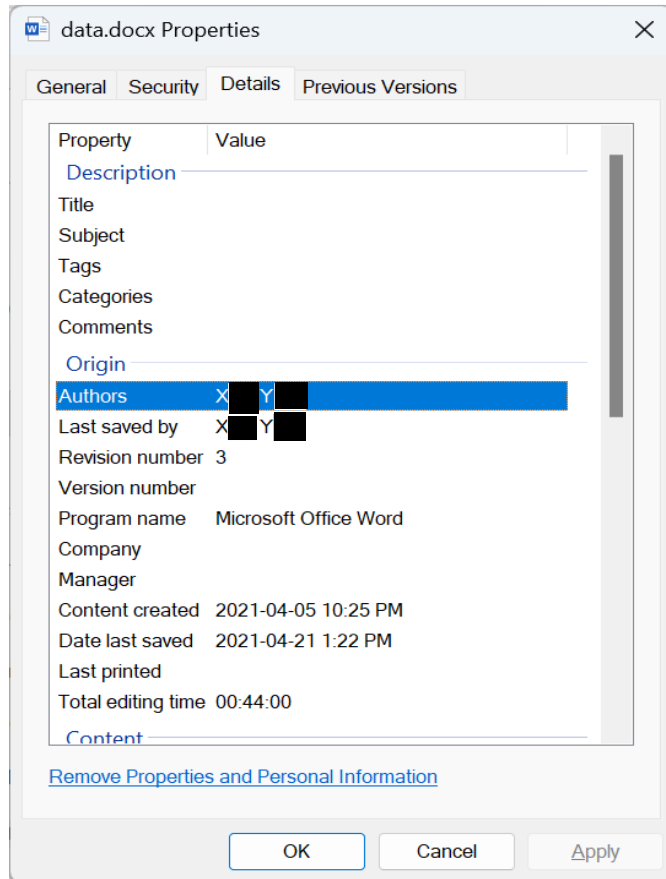
(b)   in the Report and during the presentation, the Student indicated there were 10 male participants and 10 female participants. However, the Data File indicated there were 11 male participants and 9 female participants; and

(c)   the Data File indicated the participants ranged in age from 16 years old to 40 years old. However, I confirmed with the Pharmacy Registrar's office that there were no 16 year old or 40 year old students enrolled in the pharmacy program at that time.

40.   As a result of all of these anomalies with the Report, the Video, and the Data File, I became concerned that:

(a)   the Student had not conducted her Research Project as intended and described by her;

(b)   the Student had only prepared the Human-Narrated Video on the day she made her presentation to Professor Pang and me and therefore could not have shown it to her research participants as she claimed she had done; and

(c)   that consequently the results she reported could not be supported by actual data obtained as described in the Report.

H.   Contact with the student

41.   On April 21, 2021, I met with the Student to discuss my concerns about her research project.

42.   This matter was subsequently forwarded to the Office of the Vice-Principal Academic and Dean.

9.   Professor Dubins further testified orally as follows:

(a)   The Course in question is a required course where its research component is 100% of the final grade and there are no lectures. His role is to help coordinate by assisting students to pair up with supervisors and by supervising the research by helping with any questions the student may have.

13

(b)   In 2020, due to the pandemic it was difficult to find research supervision for students and to find projects that could be done remotely. The Student approached him and he agreed to be her supervisor.

(c)   He met with her in the Fall of 2020 and then they met weekly with Dr. Sandy Pang ("Dr. Pang") whose idea it was for the project which was to see if there would be a difference in reactions to machine generated voices versus human ones. The initial plan was to prepare videos, one based on a machine generated voice and the other with a human voice and to post them on YouTube to see how many hits they received. The only difference between the two videos would be the audio component. The idea was to test which would land better with people as learners.

(d)   Initially during their weekly meetings, they came up with a script and things were progressing well in the Fall term. The plan was for the Student to prepare a PowerPoint and then add the audio to it. In this regard, he showed her how to use Watson to assist with this. Watson assists with helping create sounds that are quite like the human voice whereby you can control the tone, speed and pitch.

(e)   The Student prepared a PowerPoint presentation which had 26 slides and 2 audio clips.

(f)   The Student was to prepare the audio clips for all 26 slides. There was to be two PowerPoints, one with a human voice for each slide and the other with a computer-generated voice for each slide.

(g)   The January 15, 2021 email documents the mid-point evaluation he conducted. In that regard, he provided comments on the Student's summary of the project, but raised concerns that her data would not be ready by the end of the Course. As well, Dr. Pang was not happy with the quality of the materials and thought that using a higher quality of Adobe would improve it.

(h)   In the Winter of 2021, he met less frequently with the Student as he was dealing with other issues in other courses. He did, however, check in with her and she told him that she was collecting data. He expected her to work more on the video, but

she indicated that she was still testing it. Ultimately, he never received a full version of the video with the machine-generated voice, but did receive the human voice version before the report.

(i)   The report was due by April 12, 2021, when there was to be an oral presentation. The Student missed this oral presentation due to medical reasons and it was rescheduled.

(j)   When he did receive the report, he was concerned as it had not been intended that they would use actual human subjects as participants. He was also concerned since there are no 40 year old pharmacy program students enrolled and that along with the fact that one of the students was said to be 16 years old made him concerned about the authenticity of the data. He was concerned that it was concocted and as a result, he asked the Student to send him the raw data.

(k)   In addition, using 20 pharmacy students would have required ethics consideration and approval before testing was done. There was also no discussion and agreement in advance on how randomization would be done and how data would be collected. As well, if there was no data showing how all participants were tested then how could it be determined if there was a preference for one format over the other?

(l)   They did not discuss in advance who the human volunteers would be.

(m)   As well, he was concerned by the statement that it had taken 100 hours for the Student to prepare the version using the human voice, but only 3 hours to prepare the version using the computer. First, there was no way to verify this. As well, 100 hours seems excessive while 3 hours seemed low and so to him this appeared to be odd.

(n)   On April 21, 2021, the Student presented by Zoom to him and Dr. Pang. They recorded it. The recording of the video of the presentation by the Student was shared with the Panel and reviewed by Professor Dubins.

(o)   After the Student shared her PowerPoint slides and presented her research project and results, they had a question and answer session with her. In that question and answer session they asked the Student to provide the clip of the PowerPoint presentation using the human voice. They asked her to share it and send it to them. The Student then left the Zoom link. At this point they were becoming concerned about whether the video actually existed. Fifteen minutes later the Student returned to the Zoom meeting. When she returned, the Student kept her camera off and did not respond to them for 15 minutes when they tried to discuss it with her. After 15 minutes she then said she was searching for the video. This was surprising as both versions of the video should have been completed if they had been presented to the 20 participants for them to review.

(p)   Finally, the Student played a video without any sound. It was extremely shaky without any audio and did not look to be a high-quality production that a 100 hours of work would have created. It appeared to be a recording by a camera held up to a computer screen.

(q)   They then discussed her data with her and asked her who her participants were. She said one was Felix, a science student – neuroscience. They asked to see the human video as they had only seen the first and second slides of the computer generated one. This interaction made them concerned that the whole thing had been concocted and that the Student had in the 15 minute break when she left the Zoom meeting, simply prepared the video on the fly.

(r)   Subsequently, the Student sent them a video after the presentation. In her report she said her video was 8 minutes long, but the one she sent them turned out to be 10 minutes long. As well, the video was not a verbatim use of the script which had been agreed upon and prepared for the videos, but rather was just loosely following it. In addition, as noted in Professor Dubins's affidavit, the metadata of the file for the video says that it was recorded at 11:30 a.m. on April 21, 2021 which was the same day and same time when the Student left the Zoom meeting for 15 minutes before returning.

(s) Despite his request, the Student never sent him the raw data. He was concerned about whether there were any 16 or 40 year olds in the pharmacy program so he asked the Registrar about this who confirmed that there were no 16 or 40 year olds in the pharmacy program. In the report it was said that there were an equal number of male and female participants, yet that did not appear to be the case. The report also said that all participants were shown both videos, but the data that was provided only showed which video was preferred, but did not identify any data showing what the participants had watched or what their preference had been.

(t) Ultimately, his concerns were that the Student was under academic pressure and created false data in order to finalize the report and that she had also prepared one of the videos on the fly during the 15 minute break during their Zoom meeting with her.

(u) In cross-examination, Professor Dubins confirmed that prior to April 21, 2021, he did receive the PowerPoint and prompts, but did not receive the questions for the questionnaire.

(v) In re-examination, Professor Dubins confirmed that on December 25, 2020, he did suggest to the Student that it should be done by way of crossover so that the participants would each watch both versions and be able to compare them, whereas the Student was suggesting a parallel and not crossover study.

10. This concluded the University's evidence.

b) Evidence of the Student

11. The Student testified that she was in the Course in the Fall/Winter of 2020-2021. She reviewed the email to Professor Dubins in which there was an outline of the process, project detail and steps. They discussed that there would be two videos.

12. She successfully passed her mid-term and Professor Dubins did not give her any further instructions. She fulfilled the expectations of the work.

13.   In the Winter term, she submitted her slides, video script and questionnaire. She did not receive any instructions concerning the video and did not get any comments. In particular, she did not get any comments that her data was wrong until April 21, 2021.

14.   In addition, there were no emails between them about how the video quality was to be determined and no suggestions concerning the raw data.

15.   In cross-examination, the Student's transcript was reviewed and the Student confirmed that she took the Course in her fourth year, it was a mandatory course and she needed to complete it in order to pass and to finish her program, and that since then she has not required any more courses apart from this one to finish her degree.

16.   She knew that preparing the report would be a big time commitment. In that regard, she testified that she did record all of the version of the video using the human voice and there was more to it than we have seen yet she no longer has it.

17.   She prepared the version of the video using the human voice before her presentation. The human voice version had 26 slides narrated by herself. It was not made on WeChat, rather it was recorded on several devices using her computer. She could not recall which device was used to record it, but it was a separate device from the computer. She said that she did not know that she could imbed a human voice into a PowerPoint despite what Professor Dubins had testified to. She did not ask him or anyone for clarification as she did not want to bother anyone by asking questions. As he was her resource as a professor, she took it from her mid-term that what she was doing had been approved.

18.   With respect to her mid-term evaluation, she discussed it with her supervisors, received input from them and support. In that regard, it was agreed with Dr. Pang that it would be a crossover study video.

19.   On December 24, 2020, she emailed Professor Dubins looking for support. On December 25, 2020, he responded suggesting a crossover study. The Student testified that that is what she did.

20. On January 8, 2021 when the mid-term took place, it was agreed that it would be a crossover study by which two identical videos would be shown except that the voices would be different.

21. The reference to 100 hours to do the human voice version included everything she had done. She noted that prep time should be included.

22. It was suggested to the Student that if she was trying to do a comparison between videos and that the time she was allocating for each was to include prep time, was it not misleading not to have allocated the preparation time to both evenly. The Student testified that it was probably more accurate to say that it took her 8 hours to record the human voice presentation and only 3 hours for the machine one as she had no problems with Watson. It was then suggested to the Student that 8 hours versus 3 hours compared to what she had said in the report of 100 hours versus 3 hours means that there is a large error in the report which she made more than once.

23. The Student testified that by January 8, 2021 the scripts were complete, but the video still had to be done. She did the machine voice one first. When she received on January 15, 2021, Professor Dubins's mid-term evaluation, no one told her to stop so in her view she must have been successful. She did not read the evaluation.

24. The next email following January 15, 2021 was on February 4, 2021. In that email she sent Professor Dubins PowerPoint slides, but no audio yet.

25. The Student confirmed that she had not yet started recruiting the survey participants despite knowing that April 12, 2021 was the deadline and that meant she had only two months to get it done which would involve finishing the audio, selecting the participants, showing them the videos, doing the surveys and then collecting and analyzing the data and writing the report.

26. The Student testified that she had a sore throat and that was the reason why she obtained an extension of the April 12, 2021 deadline, but she knew that it was the deadline for the presentation.

27. She testified that once the videos were finished she recruited 20 random participants and showed them the videos through WeChat.

28. She met with them on WeChat one at a time and showed each both videos which were 10 minutes long and then asked the survey questions. She recorded their answers by taking notes. She did not record the WeChat meetings. She used paper and took notes by hand.

29. She was taken to the document she said are her notes and which she testified she took for each participant when they were speaking on WeChat and confirmed that there were no other notes. They do not contain any names of the participants so there is no way to keep track of who these people were, nor do the notes show which video they watched.

30. The Student was taken to the data file and it was suggested to her that the first time this document was created was on April 5, 2021. The Student refused to answer the question. The Student then said she needed time to think about it and then eventually said that she created it when she was doing the interviews. The Student then testified that not all of the students were in the pharmacy program. There was one who was in neuroscience not in pharmacy and was just taking some pharmacy courses.

31. The Student confirmed that she did not identify this in the report, and this was yet another mistake in it.

32. It was also suggested to the Student that finding 16 year olds in the University of Toronto's population for her participants was odd. It was also suggested to her that this was at a time when it was at the end of the school year. The Student also refused to answer any questions about whether she knew many 16 or 40 year old University of Toronto students.

33. The Student conceded that there were 11 males and 9 females rather than 10 and 10, and that was another mistake in her report.

34. It was suggested to her that for each participant she would need at least 30 minutes of their time, as there were two 10 minute videos they had to watch and questions she had to ask them. As well, it was suggested to the Student that they were not going to be one after the other so it would take significant time for her to conduct the meetings with all 20

participants. As a result, it was suggested to the Student that in fact no such meetings with participants ever occurred. The Student denied this.

35. It was also raised with the Student that although the machine and human versions of the video should have been the same, there is a difference between the script and what is actually said in the video. It was suggested to her that that was because the second one was made up. The Student testified that she did not know that it would be needed and had to look for it. The Student conceded that she was off camera and gone for 15 minutes and during that time she was looking for the video, but that was because there was a poor connection with Zoom. She was downloading it from WeChat as it no longer existed elsewhere and that she found it herself on WeChat.

36. Lastly, it was suggested to her that the reason she turned the camera off is that she used her phone camera to record the first 10 slides and did so in a panic and that was why the video was shaky and why the wording was not accurate. The Student disagreed with this suggestion.

37. This concluded the evidence for the Student.

38. The University did not call any reply evidence.

University's Submissions

39. Assistant Discipline Counsel submitted that the evidence of Professor Dubins supports a finding on a balance of probabilities that the Student committed the academic offences as alleged.

40. In that regard, it was submitted that the evidence in its totality demonstrated that the Student fabricated, altered, manipulated, mislabelled or misrepresented the research inputs, tools, methodologies, data and results she submitted in connection with her Research Report.

41. Assistant Discipline Counsel also advised that if the Panel made a finding on Charge 1, the University would withdraw Charge 2.

42. Assistant Discipline Counsel submitted that the Student was clearly guilty of having concocted data.

43. Assistant Discipline Counsel submitted that the onus was on the Provost to prove on a balance of probabilities based upon clear, cogent and compelling evidence that it was more likely than not that the Student committed the offences in question.

44. In that regard, the question is whether the Student knew or ought to have known that she was committing the offences. The offences were committed if the Student knew or ought to have reasonably known that she was concocting data. The Provost does not have to show how it happened.

45. The University takes academic integrity seriously, and the Student knew or ought to have known that it was her obligation to maintain integrity in the preparation of her report and in that regard, to maintain the data file of the report.

46. The evidence in this matter provides a strong basis to conclude that the Student knowingly concocted the data for her research project as:

    (a) There are multiple inconsistencies between the report, the presentation of it and the data file;

    (b) The claims in the report are not accurate;

    (c) The quality of the video submitted did not match the description of the video; and

    (d) The video file and presentation sent afterward also demonstrates that it was concocted.

47. With respect to (a), there are a number of inconsistencies that show that the data was concocted:

    (i) The sex of the participants in the report. It was stated that there were 20 students in total and that it was controlled for sex such that the number of men and women would be 10 and 10. During her presentation, the Student again said that the ratio

of male to female participants was 10 to 10, however, in the data file sent after the presentation it lists 11 males and 9 females contrary to the claims of 10 and 10. In cross-examination, the Student stated that this was a mistake, however, given the number of mistakes involved here it provides a basis to conclude the data was concocted rather than a mistake;

(ii)   The program major of students. In the report they were said to be 20 random pharmacy students. In her presentation, the Student claimed the participants were all pharmacy students, but later conceded that one was not a pharmacy student. In cross-examination, the Student said that she did not select pharmacy students just anyone who had experience in pharmacy. Again, the Student blamed this as being a mistake;

(iii)   Format. During her presentation the Student was asked to show the human version of the video. She said that she could not because she did not show it to the students by video, rather she said that she showed it to them in person instead, despite this having occurred during the height of the pandemic. Then she changed her evidence and said that she had shown it to them on WeChat. She then showed the video in the Zoom meeting during her presentation. All of these inconsistencies show that the data was concocted, and it is all the more telling given that this all came out when she was questioned by the professors at the end of her presentation.

48.   In the report it said that the participants' ages ranged from 16 to 40 years old and all were in pharmacy. Professor Dubins fact checked this and was told that there were no 16 or 40 year olds in the pharmacy program. In cross-examination, the Student was asked how many 16 and 40 year old pharmacy students she knew and refused to answer.

49.   The video itself was not consistent with how she described it in her report. As testified to by Professor Dubins, it was to be a crossover study by which the students would view both the machine voice version and the human voice version which would otherwise be identical except for that narration style. The same 26 slides in the PowerPoint were to be shown to all the participants and the audio would be imbedded in the script and was meant to be identical but was not.

50.   The video shared by the Student during the presentation was a 10 second video in which a shaky camera was pointed at a computer screen with no audio. The video which the Student later provided did not match the report, the audio was not imbedded, was shaky and ended abruptly at slide 10 rather than slide 26 as indicated in the report. It was also only 2 minutes and 46 seconds long and is done all in one take and is not a 10 minute clip as described in the report.

51.   In cross-examination the Student claimed she uploaded all of it to WeChat, but could only retrieve a small portion of the content, but could provide no further coherent explanation for this.

52.   With respect to the poor quality, it was suggested to the Student that this is because it was made in haste when she was asked for it by the professors during the presentation and that this supports the inference that it had not been previously done and shown to participants and therefore supports the inference that the data was in fact concocted.

Demeanor

53.   What was meant to be a 15 minute presentation turned into 45 minutes of delay, disappearances and behaving strangely. There were long pauses, the Student looked stressed and started changing her answers. First, she said the students were all pharmacy students, then said one was in neuroscience, and when pressed for the video she dropped off the Zoom call. This was all very unusual.

54.   When the Student reappeared, her camera was off and there was a long silence. The professors were concerned that she was not there and were about to end the call. It took 20 minutes for the Student to finally turn her camera on and resume. This all made Professor Dubins feel extremely uneasy about the whole situation.

55.   It was suggested the reason that the Student was acting strangely on Zoom was because she did not have the data as it did not exist and she had to scramble to make up something right on the spot, which also supports the inference that the data was concocted.

Metadata of Data File After Presentation

56.   The metadata of the data file which was subsequently sent to Professor Dubins shows that it was created on April 21, 2021 at 11:30 a.m. which was during the presentation. At 11:30 a.m. the Student's camera was still off and the Student was unresponsive to Professor Dubins's questions. This is likely when the Student was recording the video while on the Zoom call and explains her long awkward silences. Since the report is based on having shown 20 students the videos, if it was only created on April 21, 2021, this also supports the finding that the data was concocted.

57.   Other documents show that data was created on April 5, 2021, and saved on April 21, 2021, at a time after the conclusion of the presentation. In that regard, the Student in cross-examination refused to answer any questions about when the data file was created, but then subsequently admitted that the data file was created on April 5, 2021. As a result, it is unlikely it could have been synchronized and shown at the presentation on April 21, 2021, and instead only sent afterwards.

58.   Assistant Discipline Counsel asked the Panel to find that the Student had concocted data and to find the Student guilty of Charge No. 1. If the Student was found guilty of Charge No. 1 then the Provost would withdraw Charge No. 2.

59.   The Panel asked Assistant Discipline Counsel whether the metadata might reflect the date when it was copied rather than created. Assistant Discipline Counsel advised that that was possible, but that when you look at the totality of the evidence, it all supports the inference that it did not happen this way.

The Student's Submissions

60.   The Student submitted that she took care to do the data and methodology in creation of the questionnaire.

61.   During her presentation she was co-operative and had put all of her effort into it.

62.   The Student submitted that she was not asked to submit her video and raw data in advance and as well she did not get enough direction with respect to this research project. In conclusion she did not think that she had done anything wrong.

University's Reply

63.   In reply, Assistant Discipline Counsel submitted that Professor Dubins did not have a chance to review the data in advance so he could not have approved it as the Student only sent him a script in advance.

Standard of Proof

64.   The onus is on the University to establish, based upon clear and convincing evidence on a balance of probabilities, that the academic offences charged have been committed.

Decision of the Tribunal

65.   Based on the evidence and the submissions by counsel for the University, the Student was found guilty of:

(a)   one count of knowingly submitting concocted academic work, contrary to section B.I.1(f) of the Code.

66.   Given this finding, the University withdrew Charge 2.

Reasons for Decision

67.   The Panel accepted the evidence of Professor Dubins, finding that his evidence was credible and reliable and rejected that of the Students finding it to be unreliable and implausible.

68.   The evidence of Professor Dubins clearly combined with the totality of the evidence demonstrated that the Research Report contained research inputs, tools, methodologies, data and results that had been concocted.

69.   In that regard, the Panel considered the fact that there were multiple inconsistencies in the Student's report, her presentation of it and the data file. These included the fact that the Student in her report and in her presentation stated that there were 20 students in total and that 10 were women and 10 were men, but the data file sent after the presentation showed

11 men and 9 women. Importantly, it was also noted by the Panel that the data file did not identify who these 20 students were.

70.   In her report and in her presentation the Student stated that the 20 students were all random pharmacy program students. However, the Student later conceded during the presentation that one was not a pharmacy student and then testified in cross-examination that they were not pharmacy students but anyone who had pharmacy experience.

71.   The report also said that they ranged in ages from 16 to 40 years old which to Professor Dubins and to the Panel seemed unlikely. In cross-examination, the Student refused to answer as to how many 16 and 40 year old pharmacy students she knew. Professor Dubins ultimately confirmed that there were no 16 or 40 year old students registered in the pharmacy program. Although, given that this was based upon a report from the Registrar to Professor Dubins, the Panel gave this less weight.

72.   The video was also not consistent with how it was described in the Student's report and the fact that the video shared during her presentation was only a short one taken by a shaky camera pointed at a computer screen with no audio also demonstrated that the Student had concocted her data.

73.   The presentation itself and how it was conducted also raised concerns by the Panel given the Student's strange behaviour and disappearances from the presentation. The long pauses, her looking stressed and changing her answers all undermined her credibility. The fact that the Student then dropped off the Zoom call for 15 minutes and only reappeared off camera and for there then to be an additional 15 minutes of silence where she was non-responsive before she finally turned her camera back on made not just Professor Dubins feel uneasy, but also the Panel.

74.   The Panel was also concerned by the Student's inability during cross-examination to provide a coherent explanation as to why, if she did in fact upload all of it to WeChat, she could only retrieve such a small portion of the content.

75.   As well, the fact that the metadata of the file for the video showed that it was first created on April 21, 2021 at 11:30 a.m., during the Student's presentation and that the metadata

for the data file also showed that it was created on April 5, 2021 and last saved on April 21, 2021 at a time after the conclusion of the Student's presentation, all combined to demonstrate to the Panel that on a balance of probabilities that the data file and video had not been prepared in advance and in fact were only prepared at the time of the presentation or afterwards.

76.   The fact that the Student in her report said that she spent 100 hours preparing one version of her audio presentation also seemed unlikely particularly given its poor quality, while at the same time, it was unlikely that only 8 hours would be required to prepare the other version.

77.   In her testimony, the Student did not respond well to cross-examination. She changed her evidence a number of times and on a number of other occasions refused to answer the questions put to her. As a result, her testimony along with the other evidence in this case led the Panel to conclude that her evidence was unreliable and implausible and the Panel rejected it.

78.   As a result, considering all these circumstances and despite the Student's denials, the Panel inferred from all the evidence and was satisfied on a balance of probabilities based upon clear, cogent and convincing evidence that it was more likely than not that the Student had in fact concocted her data.

79.   As such, the Panel was satisfied on a balance of probabilities that the Student committed the academic offence of knowingly submitting academic work in PHC489Y1 in the form of a final report titled "Study on Comparing Two Types of voice of Pharmaceutics Learning Video" and made an oral presentation based on the final report containing and describing research inputs, tools, methodologies, data and results that had been concocted, contrary to section B.I.1(f) of the Code as alleged in Charge 1 filed by the Provost on May 24, 2023.

80.   Given this finding, the University withdrew Charge 2.

Adjournment

81.   As the matter did not conclude on December 19, 2023, the Panel adjourned the hearing until 9:45 a.m. on February 26, 2024, on consent of the Student and the University.

Sanction

82.   The hearing resumed at 9:45 a.m. on February 26, 2024, to address the issue of sanction.

The University's Evidence

83.   The University tendered the evidence of one witness, Victoria James ("Ms. James"), an Academic Integrity Specialist with Student Academic Integrity at the University, who provided her evidence by affidavit, which was accepted by the Panel pursuant to rule 66 of the Rules.

84.   The contents of Ms. James' affidavit (without Exhibits) are set out below.

   a) Evidence of Ms. James

85.   Ms. James' affidavit provides as follows:

   1.   I am an Academic Integrity Specialist with Student Academic Integrity ("**SAI**") at the University of Toronto (the "**University**"). As such, I have personal knowledge of the matters set out in this affidavit. Where I do not have personal knowledge of a matter, I state the source of my information and I believe it to be true.

   2.   SAI is the office at the Faculty of Arts and Science that is responsible for investigating allegations of academic misconduct and arranging for students who are facing such allegations to meet with the Dean or Dean's Designate in accordance with the process set out in the *Code of Behaviour on Academic Matters* (the "*Code*").

   3.   SAI maintains a database of allegations of academic misconduct that have been made against students in the Faculty of Arts and Science. There is a "Discipline Case Report" for each allegation in the database, which records the details relating to the allegation and the outcome.

4. According to SAI's records, X███Q███Y██ (the "**Student**") has committed one prior offence.

A. *First Offence: Plagiarism in PHC300*

5. In Fall 2020, the Student registered in PHC300H1F ("**PHC300**").

6. On December 4, 2020, the Student submitted an assignment in PHC300, which was worth 20% of the Student's final grade in the course.

7. The Student admitted to the offence of plagiarism in the assignment.

8. In light of the Student's admission, the case was resolved at the divisional level. The Student was sanctioned on June 1, 2021 and received a grade of zero on the assignment, a further reduction of 25% in the Student's final grade in the course, and a transcript notation until April 30, 2022. A copy of the Academic Integrity Case Report for the assignment is attached to my affidavit at **Exhibit A**.

9. On June 3, 2021, the Dean's Designate sent the Student a letter confirming the sanction imposed in connection with the assignment in PHC300. The letter stated in part:

> This email is to follow up on our meeting which took place on June 1, 2021 to discuss the allegation that for the course PHC300H1F (20209), you submitted an assignment for credit that contained material that does not entirely represent your own work. As you know, this is an academic offence under the University's Code of Behaviour on Academic Matters.
>
> <div align="center">[…]</div>
>
> Please be advised that all your current and future academic work must follow the rules and regulations of the University. I sincerely hope that you have learned from this experience and appreciate the importance of conducting yourself with integrity as you progress through your studies. Please note that if, in the future, you are involved in another instance of academic misconduct, it will be taken into account that it is not your first offence, and the consequences may be more severe.

10. A copy of the resolution letter is attached to my affidavit as **Exhibit B**.

11. I make this affidavit in connection with the charges that were filed against the Student by the University under its *Code of Behaviour on Academic Matters* and for no other purpose.

86. The University had no further evidence on sanction.

The Student's Evidence

87. The Student had no further evidence on sanction but then sought to have the Panel admit into evidence two documents, a medical note and questionnaire, which Assistant Discipline Counsel objected to, submitting that they were unreliable and after the fact.

88. The Panel decided to admit these documents into evidence, but to give them the appropriate weight.

The University's Submissions

89. The University provided the Panel with a Book of Authorities containing a number of prior decisions of this Tribunal and a chart summarizing them.

90. Counsel for the University submitted that the appropriate sanctions to be imposed on the Student should be:

   (a)   a final grade of zero in the course PHC489Y1 in Winter 2021;

   (b)   the Student will be suspended from the University of Toronto for a period of 5 years, commencing on December 19, 2023 and ending on December 19, 2028;

   (c)   this sanction will be recorded on the Student's academic record for a period of 6 years, commencing on December 19, 2023 and ending on December 19, 2029; and

   (d)   this case be reported to the Provost, with the Student's name withheld, for publication of a notice of the decision of the Tribunal and the sanctions imposed.

91. Assistant Discipline Counsel submitted that the proposed penalty was appropriate in the circumstances.

92. Assistant Discipline Counsel reviewed with the Panel the Provost's guidance on penalty which provides guidelines for consistency so that students may know what to expect in

similar circumstances, although previous decisions of this Tribunal have indicated that these guidelines are not binding on the Tribunal.

93. In that regard, pursuant to the Provost's guidelines, absent exceptional circumstances the Provost will normally seek:

(a)   a zero in the course;

(b)   3 years for academic dishonesty when has a prior finding of misconduct; and

(c)   notification on the academic transcript for 1 year longer than the suspension.

94. Assistant Discipline Counsel then reviewed with the Panel the principles relative to sanction as set out in *The University of Toronto and Mr. C*. (Case No. 1976/77-3, November 5, 1976) ("Mr. C."), namely:

(a)   The character of the Student;

(b)   The likelihood of a repetition of the offence;

(c)   The nature of the offence committed;

(d)   Any extenuating circumstances;

(e)   The detriment to the University caused by the misconduct; and

(f)   The need for general deterrence.

95. With respect to likelihood of repetition, Assistant Discipline Counsel noted that as the Student had a prior discipline history there was a strong likelihood of repetition of the conduct. Further, she did not only deny her conduct, but she went to significant lengths to cover it up and to make excuses. This suggests that there is a likelihood of repetition of the conduct by the Student. As well, given that she had in this case fabricated, altered, manipulated, mislabeled or misrepresented the research inputs, tools, methodologies, data and results she submitted in connection with her Research Report. This suggests that there is a likelihood of repetition of the conduct by the Student.

96. With respect to the nature of the offence, it was submitted that knowingly fabricating data and results of a Research Report is a serious form of academic misconduct.

97. With respect to the detriment to the University, and to deterrence, Assistant Discipline Counsel submitted that it is important that students be deterred from creating fabricated academic work. Academic integrity is seriously undermined by fabricating academic work and there is significant detriment to the University and therefore this conduct needs to be deterred.

98. The Student in this case fabricated the data and results of her academic work in order to obtain academic credit or other academic advantage. This case is consistent with other cases from this Tribunal which have found that those circumstances require expulsion as the Student's conduct was egregious.

99. In the submission of Assistant Discipline Counsel, where the student has engaged in conduct such as this including fabricating data and results, expulsion can usually only be avoided by significant mitigating factors, but none are present here.

100. Assistant Discipline Counsel also reviewed with the Panel the chart of prior decisions and reviewed in detail several of those prior decisions of this Tribunal to demonstrate that the proposed penalty was consistent with decisions of this Tribunal in similar circumstances.

101. With respect to the Student's character, given the findings of data concoction, this brings into question the character of the Student. In that regard, the Student has not demonstrated any insight or remorse for her conduct. While not co-operating with the University is not an aggravating factor there is no mitigating factor here.

102. The onus is on the Student to provide mitigating circumstances. The two documents which the Student had provided, one from October 11, 2022, was one and a half years after the offence occurred. The symptoms and diagnosis do not support the theory that they contributed to the Student's concoction of data. As well, the document does not provide a diagnosis, it only refers to mental health screening. In Assistant Discipline Counsel's submission this should be given little or no weight.

103. With respect to the questionnaire, it is dated October 31, 2022, as well one and a half years after the events and is based just upon a self-report with no diagnosis. Accordingly, the Panel should give it little or no weight as well. In conclusion there is no evidence of any mitigating circumstances.

104. With respect to repetition, the Student has one prior offence and so specific deterrence is needed to stop the Student from repeating her conduct. This is an aggravating factor.

105. With respect to the nature of the offence, data concoction in the Student's last course needed to graduate is very serious.

106. Assistant Discipline Counsel drew the Panel's attention to the *University of Toronto and J.W.K.* (Case No. 813, February 15, 2016) ("J.W.K.") case in which a graduate student engaged in repeated concoction which strikes at the heart of academic integrity.

107. In this case, the Student did not come clean when pressed by her professor and instead made up a video when questioned on the spot during the presentation and then sent it after the fact to her professor.

108. In the *University of Toronto and J.P.* (Case No. 781, January 26, 2017) case, the student was given a five year suspension as they took additional dishonest steps when questioned.

109. In the *University of Toronto and S.G.* (Case No. 588, July 28, 2011) case, the student first denied the conduct then when confronted with proof of it provided a different explanation.

110. In this case, the Student is in the fourth year of pharmacy and could go on to work in healthcare so an amplified sanction is needed.

111. With respect to the detriment to the University, the *University of Toronto and M.K.* (Case No. 634, October 4, 2012 (Appeal)) case provided for a five year suspension as when it comes to academic research there is a need to deter data concoction as a lack of research integrity is very harmful to the University's reputation.

112. As well, the J.W.K. case speaks to how the concoction of data is a very serious matter.

113. Assistant Discipline Counsel further submitted that this case is a bit unique in that it is the first undergraduate concoction of data in a 100% research course. Most of the other decisions are with respect to graduate students and involve a revocation of their degree. There is a need to determine how seriously the University takes this type of conduct for undergraduate students.

114. In that regard, the lowest sanction is that of a three year suspension. This involved a lab report which was 5% of the grade and mitigating conduct where the student acknowledged their conduct and entered into an Agreed Statement of Facts and a Joint Submission on Penalty. In this case, the assignment was for 100% of the grade and there is no mitigation factor present.

115. In the *University of Toronto and The Student* (Case No. 462, February 22, 2006) case there was a five year suspension but it involved a graduate student who had entered into an Agreed Statement of Facts and a Joint Submission on Penalty. In that case, the graduate student had not submitted the materials for publication so it did not have to be retracted so the detriment to the University was not as serious.

116. Here, a fourth-year student going into the health sciences field needs to know better. As a result, a five year suspension along with a six year notation and publication with the Student's name withheld is the appropriate sanction in the circumstances.

The Student's Submissions

117. The Student submitted that this case was destroying her future based on speculation. Most of the cases provided by Assistant Discipline Counsel involved graduate students. As a result, she did not think a five year suspension was fair.

The University's Reply Submissions

118. Assistant Discipline Counsel clarified that in one of the cases being relied upon with respect to a graduate student, the sanction also involved a six month ban from the laboratory and a recall of their master's degree.

Sanction Decision

119. After deliberations, the Panel ordered that the following sanctions shall be imposed on the Student:

   (a)   a final grade of zero in the course PHC489Y1 in Winter 2021;

   (b)   the Student will be suspended from the University of Toronto for a period of 5 years, commencing on December 19, 2023 and ending on December 19, 2028;

   (c)   this sanction will be recorded on the Student's academic record for a period of 6 years, commencing on December 19, 2023 and ending on December 19, 2029; and

   (d)   this case be reported to the Provost, with the Student's name withheld, for publication of a notice of the decision of the Tribunal and the sanctions imposed.

120. An Order was signed by the Panel to this effect.

Reasons for Sanction

121. The Panel considered the submissions of Assistant Discipline Counsel and the Student and the factors and principles relevant to sanction in *Mr. C*, supra, as set out above.

122. In addition to these factors, the Panel considered the chart of prior decisions and the other decisions of this Tribunal involving similar misconduct as contained in the University's Book of Authorities and the sanctions imposed. However, the Panel remained cognizant of the fact that no two cases are identical and that it is not bound by past decisions of this Tribunal. However, the Tribunal does try to develop a consistent body of cases so that students are treated fairly and consistently in similar circumstances.

123. With respect to the two documents the Student provided as evidence on the issue of sanction, although the Panel admitted them into evidence, it was unable to give them any weight as they were created a significant length of time after the Student's conduct, were based upon a self-report, did not provide any formal diagnosis, and did not address the Student's condition at the time of her conduct.

124. By knowingly fabricating the data and results for her academic work, the Student broke the honour code that is essential to modern learning.

125. Students must understand that this kind of misconduct will have serious repercussions so that they will be dissuaded from the temptation to consider fabricating data and results for academic work.

126. The Panel accepted the University's submission that by knowingly fabricating data and results for her academic work, the Student committed a serious form of academic misconduct.

127. The Student committed the offences knowingly and deliberately, not through carelessness or inadvertence. The offences were the result of the Student's calculated conduct.

128. In different ways, the University is vulnerable to, and suffers detriment from, the fabricating of data and results offences that the Student committed here.

129. As this Tribunal held in the *University of Toronto and M.K.* (Case No. 491, November 5, 2008), at para. 43, "such conduct will and must meet with the most severe reaction when uncovered."

130. The seriousness of the offences and the need for deterrence are particularly compelling in this case which involved research for 100% of the grade in an undergraduate course by a fourth-year student.

131. The fact that the Student had one prior offence is an aggravating factor. Given that there were no significant mitigating factors, including showing insight or remorse for her conduct, the need to deter the Student and others from committing similar offences weighs heavily in the circumstances of this case.

132. In the Panel's view, a strong message must be conveyed to the Student and to the University community that serious offences such as these will not be tolerated, and that those who commit them will face serious sanctions. As a result, the Panel is persuaded that a severe sanction is required where a student is guilty of fabricating data and results in order to deter not just the Student, but others who may contemplate similar misconduct.

Dated at Toronto, this 26th day of July 2024

Original signed by:
_____

Christopher Wirth, Chair
On behalf of the Panel