



FOR INFORMATION

PUBLIC

OPEN SESSION

TO: Academic Board

SPONSOR: Mr. Christopher Lang, Director, Office of Appeals, Discipline and Faculty
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PRESENTER: See Sponsor
CONTACT INFO:

DATE: November 9, 2023 for November 16, 2023

AGENDA ITEM: 8b

ITEM IDENTIFICATION:

University Tribunal, Information Reports, Fall 2023.

JURISDICTIONAL INFORMATION:

The University Tribunal hears cases of academic discipline under the *Code of Behaviour on Academic Matters, 2019* (the “Code”)¹ which are not disposed of under the terms of the Code by the Division.

Section 5.2.6 (b) of the *Terms of Reference* of the Academic Board provides for the Board to receive for information reports, without names, on the disposition of cases in accordance with the Code.

GOVERNANCE PATH:

1. Academic Board [for information] (November 16, 2023)

PREVIOUS ACTION TAKEN:

The last semi-annual report came to the Academic Board on May 25, 2023.

HIGHLIGHTS:

The purpose of the information package is to fulfill the requirements of the University Tribunal and, in so doing, inform the Board of the Tribunal’s work and the matters it considers, and the process it follows. It is not intended to create a discussion regarding individual cases, their specifics or the sanctions imposed,

¹ <http://www.governingcouncil.utoronto.ca/policies/behaveac.htm>

as these were dealt with by an adjudicative body with a legally qualified chair, bound by due process and fairness, and based on the record of evidence and submissions put before it by the parties.

FINANCIAL IMPLICATIONS:

There are no financial implications.

RECOMMENDATION:

For information.

DOCUMENTATION PROVIDED:

- Information Reports of Tribunal Decisions under the *Code of Behaviour on Academic Matters, 2019* (Fall 2023)

**TRIBUNAL DECISIONS UNDER THE
CODE OF BEHAVIOUR ON ACADEMIC MATTERS
(FALL 2023)**

FORGED OR FALSIFIED UNIVERSITY TRANSCRIPT AND LETTER

Expulsion; suspension of up to five years or until Governing Council makes its decision on expulsion, whichever comes first, along with a corresponding notation on the Student's transcript; publication of the decision with the Student's name withheld

The Student submitted as part of his application for a post-graduate work permit a letter purported to be from the Associate Registrar of the University, certifying that the Student had completed the requirements for an Honours Bachelor of Arts Degree, and a document purported to be the Student's academic transcript from the University. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: the Student had a lengthy history of academic violations; forgery or falsification of a transcript is among the most serious offences a student can commit; forged transcripts and academic records both negatively impact the entire University community and undermine the credibility and standing of the University and of a student's peers who are attempting to legitimately fulfill academic courses, requirements, and degrees; and in similar cases, expulsion is almost always the outcome for a falsified transcript or academic record.

UNAUTHORIZED ASSISTANCE IN ASSIGNMENT

Suspension of two years; notation on the Student's transcript for three years; grade of 0 in the course; publication of the decision with the Student's name withheld

The Student collaborated on an assignment with at least one of three other students, two of whom had already admitted to academic misconduct concerning the assignment. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: the Student did not participate in the hearing, and therefore chose to forgo her opportunity to provide evidence on mitigation for penalty; had the Student participated and provided an explanation, the outcome may have been different; several factors weighed in favour of a severe penalty, including the seriousness of the offence, the detriment caused to the University by the offence, and the need to deter others from committing similar offences; and the sanctions were consistent with those imposed in similar cases.

NOTE: THE STUDENT APPEALED THE IMPOSED SANCTIONS – APPEAL ALLOWED

In allowing the Student's appeal, the Discipline Appeals Board ("DAB") noted the following: the DAB has wide powers to modify a sanction imposed and may impose any

sanction that could have been imposed below; the DAB has little obligation to show deference to the decision below, but there must be a principled reason for the DAB to vary the sanction imposed at trial; the Provost's *Guidance on Sanctions* at Appendix "C" of the Code is guidance as to what sanction the University will request at the Tribunal hearing, but it is not guidance to or from the Tribunal, and it is not binding on the Tribunal; a two-year suspension is not appropriate in the circumstances of this case; there was a discrepancy with the sanction proposed below and imposed on the three other students who admitted to committing the same offence but had also committed one offence or several offences in addition to the offence committed by the Student; a sanction imposed at the end of a contested hearing will almost always be more serious than the sanction that would have been imposed had a student acknowledged the offence immediately; there must be some rational relationship, connected to the reasons for imposing a more serious sanction, between the sanctions imposed on a student who immediately admits an offence, and a student who unsuccessfully contests it; an additional factor leading to more serious sanctions imposed for offences found after a Tribunal hearing is the cost in time and resources to the University for proceeding to a contested hearing; the Student's failure to engage with the process before now led not only to an expenditure of time and resources in the hearing itself but to a significant waste of time and resources in the University discipline process; the evidence established that at the decanal level, the University considered a sanction of zero in an assignment, a time limited annotation and no suspension appropriate for the other students who not only had engaged in the same offence as this Student, but also had committed other academic offences in which this Student had not participated; given these circumstances, the appropriate penalty for this Student is a zero in the course and a time limited annotation on her record (neither of which she contested) but with the period of suspension reduced to one year.

FORGED DEGREE CERTIFICATE

Expulsion; suspension of five years; notation on the Student's transcript for five years; publication of the decision with the Student's name withheld

The Student submitted a forged degree certificate to a background screening company as part of an application for employment. The Student pleaded guilty and agreed with the facts and the proposed sanctions. In finding the Student guilty and in imposing the agreed-upon sanctions, the Panel noted the following: the agreed-upon sanctions were not contrary to the public interest and did not bring the administration of justice into disrepute; forgery is very serious; forgery causes extremely significant harm to the University; there is a strong need to deter others from committing a similar offence; this type of offence poses a grave threat to the integrity of the University, is profoundly unfair to other students, and jeopardizes the University's reputation; the Tribunal must send a strong message to other students about the consequences of being found guilty of these offences; while the Student had no prior offences, she had engaged in deliberate dishonesty by forging a University degree certificate and using the forged degree

certificate; the Student had not participated in the proceeding, and there was no evidence before the Panel about the Student's character, any extenuating circumstances, or whether the Student had expressed remorse or taken responsibility for her actions; the agreed-upon sanctions fell within the well-defined range of penalties established by the jurisprudence for similar cases; and the appropriate penalty was the one submitted by the parties.

UNAUTHORIZED AID IN AN ASSIGNMENT

Suspension of three years; notation on the Student's transcript until graduation; grade of 0 in the course; publication of the decision with the Student's name withheld

The Student accessed a website (Chegg.com) to obtain and use solutions to questions in an assignment. The Student pleaded guilty and agreed with the facts and the proposed sanctions. In finding the Student guilty and in imposing the agreed-upon sanctions, the Panel noted the following: there were aggravating factors such as the Student's three prior offences; the Student agreed to take the Promoting Academic Skills for Success (PASS) Program offered by UTM or a similar program selected by UTM; the Student's participation in the process and guilty plea developed insight into the Student's actions; the offence is very serious with the potential to adversely affect other students and harms the University's reputation; there is also a real risk of the same offence being repeated absent a significant sanction; and the agreed-upon sanctions were appropriate.

PLAGIARIZED ON A TEST

Suspension of two years; notation on the Student's transcript for three years; grade of 0 in the course; publication of the decision with the Student's name withheld

The Student plagiarized an answer from Chegg.com or from another student who had copied from that website and presented that answer as her own by submitting it as part of a test. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: the onus was on the Student to put forward mitigating evidence and none was presented; the sanctions requested by the Provost were based on sanctions handed down by the Tribunal in previous cases and the Provost's *Guidance on Sanctions* (but which are not binding on this tribunal); there was no evidence of a pattern of misconduct but also nothing to show that the Student had learned from their mistake or that they appreciated its gravity; there was no evidence of remorse or insight on the Student's part; copying answers from another, improper source onto an exam is an extremely serious offence that harms the institution and the academic process, and it is a serious breach of academic integrity that can be seen as an attempt to defraud the University; the move to online assessments during the pandemic led to an increase in students using resources like Chegg.com and attempting to pass off as their own work, material they had taken

from such websites; the penalty must act as general deterrent; the Student has no prior record of academic misconduct; there was no evidence the Student paid for the answers that were submitted on the test; the sanction requested by the Provost is reasonable and appropriate in the circumstances of this case and is generally consistent with prior Tribunal decisions.

UNAUTHORIZED ASSISTANCE IN A QUIZ AND CONCOCTED SOURCES IN A TERM PAPER

Suspension of three years; notation on the Student's transcript for four years; grade of 0 in both courses; publication of the decision with the Student's name withheld

The Student obtained unauthorized assistance in a quiz submitted for one course and submitted a term paper for another course, which contained a reference to a concocted source. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: the Student had committed one prior academic offence; the three-year suspension is in line with similar cases; there is a need for specific deterrence because the Student has a prior academic offence; the prior offence is an aggravating factor that justifies a greater sanction; members of the public must be able to rely on the academic integrity of the University's evaluation processes; using unauthorized aids is cheating and allowing cheating to go unsanctioned is unfair to students who abide by and follow the rules and regulations; and if the offence is not sanctioned, cheating undermines the value of all of the University's degrees.

UNAUTHORIZED ASSISTANCE AND COLLABORATION ON TERM TEST

Suspension of two years; notation on the Student's transcript for three years; grade of 0 in the course; publication of the decision with the Student's name withheld

The Student obtained unauthorized assistance by collaborating with another student on a term test. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: the Student had therefore not shown any remorse, not presented any character evidence, and not raised any mitigating or extenuating factors to warrant a more lenient sanction; the two-year penalty proposed by the University was in line with similar cases; the unusual circumstances of the Student being one of 100 students to be involved in cheating should not have any bearing on the sanction; there was no evidence that the Student had been involved in organizing the cheating scheme, so there was no evidence of aggravating behavior; there was also no evidence of the fact that the widespread cheating was a mitigating circumstance; the Student had no prior offences; and the sanction proposed by the University was appropriate for that conduct.

UNAUTHORIZED ASSISTANCE ON THREE TERM TESTS

Suspension of four years and four months; notation on the Student's transcript for six years or until graduation, whichever comes first; grade of 0 in the course; publication of the decision with the Student's name withheld

The Student obtained unauthorized assistance on three term tests. The Student pleaded guilty and agreed with the facts and the proposed sanctions. In finding the Student guilty and in imposing the agreed-upon sanctions, the Panel noted the following: the offences are serious; the Student had committed two prior offences and was sanctioned for the second one prior to committing the offences at issue in this case, thereby suggesting the Student may commit another offence; the circumstances of the pandemic and the heightened level of trust that the University was required to impart on students not to collaborate are relevant; the Student's behaviour demonstrated a breach of that trust causing detriment to the University; the agreed-upon facts demonstrate a widespread pattern of misconduct among many students in the course at issue highlighting the need for deterrence; the Student's cooperation in the process showed insight and remorse; the Student voluntarily gave an undertaking to attend academic workshops demonstrating his desire to rehabilitate his academic career at the University; and overall the joint submission was reasonable.

FORGED DOCUMENT AND UNAUTHORIZED ASSISTANCE

Suspension for a period of three years and six months; notation on the Student's transcript for five years; grade of 0 in both courses; publication of the decision with the Student's name withheld

The Student submitted a forged a Verification of Student Illness or Injury form ("VOI") in support of a petition request for a deferred examination in a course, and she also obtained unauthorized assistance in connection with a research project in another course. The Student pleaded guilty and agreed with the facts and the proposed sanctions. In finding the Student guilty and in imposing the agreed-upon sanctions, the Panel noted the following: the jointly proposed sanctions are reasonable; the offences are serious and cause detriment to the University; the Student committed two prior offences; the timing of the prior offences is relevant and suggests that the prior warnings the Student received went unheeded; the likelihood of the Student committing a further offence is serious and must be factored into the penalty; the offence relating to the VOI causes detriment to the University because the breach of trust that arises through this offence undermines the University's process for offering accommodations to students; the Student cooperated in the process and agreed upon facts and sanctions, thereby showing insight and remorse; the Student's admission of guilt to the offences is a demonstration of that insight and of taking responsibility for her actions; and the sanctions were consistent with similar cases.

UNAUTHORIZED ASSISTANCE ON TWO TERM TESTS A FINAL ASSESSMENT AND AN EXAM

Suspension of five years; notation on the Student's transcript until graduation; grade of 0 in both courses; publication of the decision with the Student's name withheld

The Student obtained unauthorized assistance in connection with two term tests, a final assessment and an exam, involving two courses. The Student pleaded guilty and agreed with the facts and the proposed sanctions. In finding the Student guilty and in imposing the agreed-upon sanctions, the Panel noted the following: the Student had insight, expressed remorse, and cooperated fully in the process; the Student gave an undertaking to complete six mutually agreeable academic success workshops offered by the University; the Student agreed that he will not be permitted to graduate until he has completed this undertaking; the Student had committed four prior academic offences, which brought him to eight academic offences; all the incidents occurred around the same time, and only one occurred after the first offence; online learning provided more opportunity to cheat and therefore there was a need to send a strong message of deterrence; based on similar cases, the joint submission regarding the sanctions was reasonable in this case.

IMPERSONATION IN AN EXAM

Suspension of five years; notation on the Student's transcript until graduation; grade of 0 in the course; publication of the decision with the Student's name withheld

The Student paid someone to personate her at a final exam. The Student pleaded guilty and agreed with the facts. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: previous Tribunal cases show that the sanctions proposed by the Provost were proportional to sanctions imposed in similar cases; the Student requested a four-year suspension which was rejected because the Student had been continuously enrolled in the University since the date of the offence and had recently completed all of the courses required to complete her program; although it took two years to get to a hearing, which was stressful, it had allowed the Student to complete her studies; and given the gravity of the offence that she had admitted to, which is one of the most serious contemplated by the Code, a five-year suspension was necessary to meet the goals of specific and general deterrence.

UNAUTHORIZED AID ON THREE TESTS IN TWO DIFFERENT COURSES

Suspension of three years; notation on the Student's transcript for four years; grade of 0 in both courses; publication of the decision with the Student's name withheld

The Student submitted three tests over two courses, that contained answers that were strikingly similar to answers given by other students. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: as the Student did not participate, there was no evidence presented to the Panel regarding their character and, therefore, there were no mitigating circumstances to consider; the Student committed three concurrent offences and committed the third offence after having received a warning from her professor for one of the prior offences; there was a very real likelihood of re-offence; and the three-year suspension for a finding of liability on three concurrent offences with an intervening event (namely the meeting between the Student and her professor) was in line with similar cases.

UNAUTHORIZED ASSISTANCE IN AN EXAM

Suspension for one year and eight months; notation on the Student's transcript for three years; grade of 0 in the course; publication of the decision with the Student's name withheld

The Student obtained unauthorized assistance in connection with a final exam. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: plagiarism and the use of unauthorized third-party sources are serious offences that strike at the heart of academic integrity; general deterrence is an important factor in these cases; it is appropriate for similar offences to be deterred by similar sanctions in such circumstances; the use of unauthorized outside sources is unfair to other students whose evaluation depends on their own hard work and attention to their studies; and it undermines the integrity of the University evaluation process and the honesty that must underlie the teaching and learning relationship.

UNAUTHORIZED ASSISTANCE DURING A TEST

Suspension of two years; notation on the Student's transcript for three years; grade of 0 in the course; publication of the decision with the Student's name withheld

The Student obtained unauthorized assistance during an online term test. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: the sanctions requested by the Provost were based on sanctions handed down by the Tribunal in previous cases and the Provost's *Guidance on Sanctions* (but which are not binding on this tribunal); there was no evidence relating to the Student's character; the Student did not participate in the process beyond his initial meeting with the course professor; there was no evidence of the Student's remorse or insight, no evidence of a willingness to take responsibility for his actions or to learn from his mistakes; there was no evidence of a pattern of misconduct but also nothing to show that the Student had learned from his mistake or that he appreciated its gravity; obtaining unauthorized assistance is an extremely serious offence that harms the institution and the academic process; this

offence is a serious breach of academic integrity and can be seen as an attempt to defraud the University; it is always a temptation to seek assistance during an online test, and the Student gave in to that temptation to try to obtain a better result on the test than he felt he could otherwise achieve; the fact that the Student was caught is a testament to the professor's system of employing different versions of the questions on the term test and to his vigilance in noticing the anomalies in the Student's answers, but not every instructor would, or could, employ such a system; and the associated penalty must act as general deterrent against this behaviour.

UNAUTHORIZED AID IN AN ASSIGNMENT AND AN EXAM

Suspension of three years; notation on the Student's transcript for four years; grade of 0 in two courses; publication of the decision with the Student's name withheld

The Student used or possessed an unauthorized aid by accessing answers through a WeChat group chat during the final exam and also obtained unauthorized assistance in connection with an assignment in another course. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: the Student did not participate in the hearing, and therefore chose to forgo her opportunity to provide evidence on mitigation; had the Student participated and provided an explanation, the outcome may have been different; several factors weigh in favour of a severe penalty, including the seriousness of the offence, the fact that the Student engaged in the misconduct relating to one of the courses after being notified that she was under investigation regarding her conduct in the other course, the detriment caused to the University by the offence, and the need to deter others from committing similar offences; and even with the length of time it took to prosecute the case, the time sought by the Provost for the suspension and transcript notation was appropriate given there was no evidence from the Student regarding a reason to depart from the regular timing of these sanctions.

CONCOCTION AND FALSIFICATION OF TRANSCRIPT AND LETTER FROM REGISTRAR AND CONCOCTED SOURCES

Expulsion; suspension of up to five years; notation on the Student's transcript for up to five years; publication of the decision with the Student's name withheld

The Student falsified their transcript as well as a letter purportedly from the Registrar and Director of Enrolment Management at University of Toronto Scarborough. They also submitted an assignment containing concocted facts and references. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: both the fact that there were multiple offences and the forgery convictions were serious, reflected poorly on the Student's character; there is a significant likelihood of repetition; the Student committed multiple offences and is no longer enrolled at the University, so they

may believe that they are immune from penalty; there is good reason to believe that this misconduct will continue absent the strongest of penalties; while the offence of concocting facts and references would not warrant expulsion, the two offences of falsifying academic records certainly do; falsifying academic records is amongst the most serious offences a student or former student can commit; the detriment to the University of the falsification offences and the strong need for general deterrence feature prominently in determining the appropriate penalty for this case; and both of these factors weigh heavily in favour of the most significant penalty available, which is the recommendation of expulsion.

UNAUTHORIZED AID DURING A FINAL EXAM

Suspension of five years; notation on the Student's transcript until graduation; grade of 0 in two courses; publication of the decision with the Student's name withheld

The Student used an unauthorized aid, namely an iPhone, during a final exam. In finding the Student guilty and in imposing the sanctions, the Panel noted the following: the facts were concerning, given the Student had engaged in the exact same form of academic misconduct on three prior occasions and despite two written warnings and meetings; nothing has deterred the Student from this type of behaviour, which was highly concerning to the University and to the Panel; the Student was well aware that the use of a cell phone would not be tolerated given his past history; there was a degree of premeditation, but not a significant amount of planning, and the Student did not attempt to maintain the deceit once caught by the invigilator; the University must be able to trust that its students will take its final examinations in manners that accord with academic integrity; when students use unauthorized aids, they undermine the integrity that the broader community puts in the University; the invigilation of examinations becomes more complicated when students will not adhere to clear directions with respect to cell phone use; and general deterrence is an important factor in these cases.