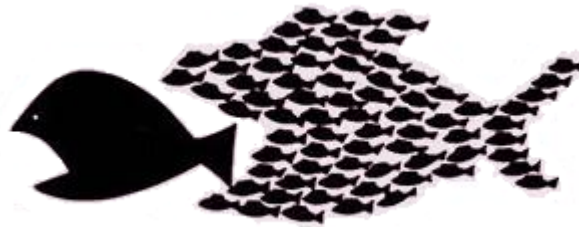


# STUDENT APPEAL CENTRE



## 2008 Annual Report



*Mistreatment of Students,  
Unfair Practices and  
Systemic Racism  
at the University of Ottawa*

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# The Student Appeal Centre 2008 Annual Report

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## INTRODUCTION

The Student Appeal Centre (SAC) is a service offered by the Student Federation of the University of Ottawa (SFUO). We provide help and support to students who wish to appeal decisions that were taken by the administration of the University of Ottawa. We also assist students who wish to file a complaint against or to receive assistance in dealing with the University of Ottawa (the “University”).

Witnessing abuse of power, unfair treatment and bad management by the University against its students is a part of our daily reality. The students who consult the Appeal Centre are discouraged, angry, scared and completely disillusioned. The problems students face are systemic, and something must be done.

The power asymmetry that divides students from administrators is dangerous. In the context of appeals, the University acts as a legislator, a party and a judge. The administration writes the regulations concerning appeals, imposes the decision you are appealing and decides whether or not you win your appeal. There is nowhere else to go: if you have a problem, you must turn to the administration – it holds all the decisional power.

We hope this report will encourage students, professors and staff to unite in demanding more legitimate and democratic control of our campus.



## CASE STUDIES

### THIS HAPPENED TO U OF O STUDENTS

The best way to understand the Student Appeal Center's position and why we denounce unfair practices at the University of Ottawa is by hearing about individual cases.

These cases are real. This happened to students at the University of Ottawa.

It is by chance that these cases concern Asian females only. Their names have been changed and the Student Appeal Centre has received permission to tell their stories.

#### THE INFAMOUS 'MY ACADEMIC ADVISOR MADE A MISTAKE' CASE

TingTing is an international student from China. During the winter semester of 2008 she only had two courses remaining for the completion of her degree in the Faculty of Social Sciences. She consulted her academic advisor, who noticed she was good in math and who registered her in a MAT course. TingTing worked hard in the course, which she found very hard - she went to the prof's office hours every week. She passed the first midterm but did poorly on the final exam and failed the course.

Upon learning of her failure, she went to meet with her prof. **This is when TingTing learned that she did not have the prerequisite for the course.** Her registration was a mistake on the part of her academic advisor. Had she tried to register herself using the online system, the course would not have been available for registration.

TingTing had three jobs lined up – all employers were asking for a diploma, but she could not provide one. Since she was still missing three credits to graduate, she had to take a summer course. She didn't have the \$1782.58 (the price of one course for international students) and had to borrow money from a friend.

She filed two separate appeals.

TingTing asked Financial Services for a refund for the MAT course.

- They said no.

TingTing appealed to the Administrator of Undergraduate Studies of her faculty, asking for the F to be removed from her transcript. She provided a letter from her professor who wrote that he feels this is "very unfair" and that "she should be given some help."

- The Administrator refused to remove the failed course from TingTing's transcript.
- TingTing didn't take no for an answer. She asked the Administrator to reconsider and the Administrator offered that the course count as HP (out-of-program) – which means that the F would not affect her GPA but would continue to appear on her transcript.

TingTing appealed her case to the Vice-Dean, indicating that she did not find the proposed solution acceptable.

- 15 days later, the Vice-Dean had not responded.
- The Student Appeal Centre called and emailed the Vice-Dean to follow up on the case.
- The Vice-Dean never responded, but TingTing received an email from the Administrator asking her if she was going to accept the proposed solution to have the course count as HP.

TingTing appealed to the Dean of the Faculty of Social Sciences.

- 18 days later, there was no response.
- The Student Appeal Centre contacted the Dean to follow up on the case.
- The Dean did not respond but TingTing received yet another email from the Administrator asking her if she was going to accept the proposed solution to have the course count as HP!

TingTing appealed her case to the Vice-President, Academic, Robert Major and the Vice-President, Resources, Victor Simon.

- The Vice-President, Resources responded that TingTing's request for a reimbursement did not fall within his jurisdiction.
- The Vice-President, Academic refused to intervene by telling TingTing to appeal to the Senate Appeals Committee. He also took the opportunity to give his opinion on the case and to tarnish TingTing's reputation. He indicated that he found TingTing's appeal was very unusual in light of the fact that she had been accused of academic fraud in 2004!

The president of the SFUO, Dean Haldenby, appealed TingTing's case to Allan Rock, President of the University of Ottawa.

- As of October 31, 2008, the president acknowledged having received the appeal but TingTing's appeal remains unsolved.

TingTing and the SFUO are incredibly frustrated and disillusioned. TingTing has now completed all the requirements for her degree but she is still fighting the University of Ottawa. Her only mistake was to trust the professional judgment of her advisor.

The Student Appeal Centre understands that these types of mistakes are bound to happen. Our goal is not to criticize the work of academic advisors but to insist that the University take responsibility for the harm it can cause to its students.

### INNOCENT MISTAKES MUST BE PUNISHED !

Jiao is a young professional Chinese woman. She recently moved to Canada and works full time for a reputable accounting firm while studying law on a part-time basis. Her previous studies include little to no creative written work, such as essays.

During the winter of 2007, she was asked to write her first legal memo. To complete the assignment she was instructed to use the assigned course readings. The directives provided by her professor specifically state, "for the purposes of this exercise, you are not expected to go beyond the assigned materials." In completing the assignment, she copied sentences directly from these assigned readings and did not include citations.

She continues to use this technique for her second assignment. In February 2008, she is notified that she is being accused of academic fraud related to her first assignment. She meets with the Committee of Inquiry and they discuss the requirements related to referencing. After this discussion, she understands that what she did was contrary to the policy on academic fraud. In her defense, she explains that she thought she was doing what was required of her, that her intention was never to cheat the professor and that she has no motives for trying to cheat on a small assignment. As proof of her honesty, she tells the Committee that she had made the same mistake on her

second assignment. She asks not to be punished but to be given the opportunity to hand in a new assignment as proof of her understanding of citing requirements.

However, none of this matters; at the University of Ottawa, to hand in an assignment in which there are copied passages without quotation marks, is a valid case of fraud. The best-case scenario is to receive an F for the work – and that is what Jiao gets.

It may be the best possible sanction, but Jiao does not think it is fair that she is being punished for making an honest mistake in university – an institution based on learning and educating.

She appeals to the Executive Committee of her Faculty, without success.

In the meantime, the professor who first brought the accusation against Jiao learns that she had ‘committed’ the same ‘plagiarism’ in her second assignment. We are now months after this second assignment has been handed in and marked but the professor emails Jiao nonetheless, telling her that she is going to bring forward a second accusation! Jiao’s anxiety increases. She now regrets having been honest with the Committee of Inquiry...

Jiao decides to appeal to the Senate Appeals Committee. At this level of appeal, she asks her mentor – a professor at another Canadian university who has extensive experience as a member of appeal committees – to write a letter of support. He does this without hesitation, convinced that if this case were to be heard at his university, Jiao would have been treated differently.

Jiao researches case law to support her appeal and presents her findings in writing to the Senate Appeals Committee. She summarizes an arbitration ruling, which occurred in a university setting. The case clearly states that **the intentions of the**

**accused must be considered when determining whether or not plagiarism has occurred.** Furthermore, the case explains the importance of determining whether the reader was deceived by the plagiarism: was Jiao’s professor misled? Didn’t the professor recognize the text of the assigned readings right away?

Finally, Jiao meets the Senate Appeals Committee to defend her case. This meeting does not go well. It is evident in the first few minutes of the meeting that she will not win. One Committee member even asks her “why are we here?” When she attempts to discuss her intentions, the Committee interrupts her saying: “we can never truly know anyone’s intentions.” There is little discussion concerning whether or not the professor was deceived.

When Jiao leaves the room, she says: “they were so mean to me!” She reflects on what just happened and concludes, “Well, I guess this was good practice for me – I don’t think anybody is going to be nice to me when I go to court as a lawyer.”

After all, Jiao is only at university to learn.

Epilogue:

The Senate Appeal Committee refused to grant her appeal and she was sanctioned with the grade of zero for the work.

The accusation concerning her second assignment never materialized.

## WE DECIDED YOU WERE GUILTY AT ‘HELLO’

Wendi is an international student of Chinese origin who studies in the School of Management. In December 2007 she arrived at one of her exams five minutes late. Luckily for her, the exam hadn’t started yet. Everybody was chatting with their neighbor

or doing a quick revision of their notes. Wendi found a seat and pulled out her notes to review them. When the professor arrived with the exams a few minutes later, she placed her stack of notes on the floor underneath her seat, with the blank side facing up.

Two hours into the exam a TA came to Wendi's desk to verify her ID and saw her notes under her seat. The TA warned the professor who asked Wendi to leave the exam room immediately. Wendi tried to explain that she had not looked at her notes during the exam, but to no avail – she left without finishing her exam.

Wendi says she did not cheat. She says she did not once look at her notes. But without any cameras in the classroom, she was unable to provide uncontestable proof of her innocence.

The first two levels of appeal at the Telfer School of Management found Wendi guilty and sanctioned her with an F for the course plus the added requirement of three extra credits to obtain her degree.

Wendi could not accept that her word was being dismissed so easily. She appealed to the Senate Appeals Committee, urging it to complete a more thorough investigation. When Wendi finally met the Committee, more than 210 days after the incident, it became apparent within the first two minutes of the meeting that a decision had already been reached: Wendi was guilty and a liar.

Wendi provided a witness statement with her appeal. The witness said that they never saw Wendi look at her notes during the exam. It appears that this statement had absolutely no effect on the Committee's decision. The Committee did not even mention or contact the witness. The Senate Appeals Committee also did not contact the TA who reported the incident. Most importantly, Wendi requested on two occasions that the Committee compare her notes to her exam – this would prove that nothing was copied from the notes. It appears that the Committee did not compare Wendi's notes with her exam. This was not necessary – a conclusion had been reached. She was found guilty, but the Committee reduced the sanction. Wendi only received an F for the course.

## ACADEMIC FRAUD: A STUDENT'S WORST NIGHTMARE

### HOW THE UNIVERSITY TREATS ALLEGED CHEATERS, LIARS AND STUDENTS WHO FORGET TO USE QUOTATION MARKS

The Student Appeal Centre witnesses many different types of cases - injustice takes many different forms. This year, we have chosen to devote the greater part of our yearly report exposing issues related to academic fraud. It is necessary to stand up and speak out for the students who carry the burden of being labeled "cheaters" at University. Most of them are visible minorities, and many of the students who come to the Student Appeal Centre have simply made honest and inadvertent mistakes. This is how they are treated.

The system that governs academic fraud instills fear in students. It also teaches us to hate cheaters: cheaters take away from the validity of our diplomas and steal intellectual property.

But what is cheating? Is making a mistake or forgetting to use quotation marks plagiarism? Should you fail a course for that? And what about students who say they are innocent? How much proof is needed to punish them?

In practice, at U of O, students who are accused of fraud face the automatic stigma of being worthless and untrustworthy individuals – after all, "why would the University trust the word of alleged cheaters?" It is this logic that leads to all kinds of injustices and unacceptable treatment of students by the University. The University may want to tackle problems of fraud, but this is no reason to deny fair and impartial hearings.

#### LONG AND STRESSFUL PROCEDURES

According to the regulation on academic fraud, a professor who suspects an act of fraud is to send a report to the Dean of the student's faculty. This is often followed by long and stressful waiting periods for students. There is no deadline placed on professors to bring forward an accusation against a student. There is also no deadline placed on administrators to initiate the investigation process. In some cases, professors inform students that they will receive an accusation but students wait two, three even four months before receiving the accusation from the Dean's office.

Once a student has been formally accused, they are invited to defend

themselves. **It is the responsibility of the student to prove to the University that they are innocent.**

**Under the University of Ottawa's academic fraud system, students are guilty until proof of the contrary.**

Students are also allowed to meet the Committee of Inquiry who investigate the case and make a decision. Many students report that the tone of the meeting is very accusatory and that their statements are treated with disregard. Students have the impression that a decision has already been reached prior to their hearing. In one case, a meeting concerning an accusation of fraud had to come to an end because the student was in tears and unable to continue the interrogation.

In cases involving in-class cheating such as looking over a colleague's shoulder, students are practically left without a defense because the most they can do is say that they are innocent – this is definitely never enough to prove your innocence.

## THE SANCTIONS

The least severe sanction is to receive an F for the work under investigation. Depending on the weight of the work, this can sometimes mean a failure in the course.

Concerning sanctions, each University of Ottawa faculty treats students very differently. The Faculty of Arts, Social Sciences and particularly Health Sciences have shown greater leniency. At the other extreme, the Telfer School of Management is extremely strict, often punishing students with sanction 2c of the Policy on Academic Fraud: "the mark F or zero for the course concerned and an additional requirement of 3 credits added to the student's program of studies." This sanction has even been imposed in a case where the work under investigation was worth 1% of the student's final grade.

## IN YOUR DEFENSE

We have unsuccessfully tried to argue that the intention of the student must be considered when determining whether or not academic fraud has occurred.

**At the U of O, whether or not a student has fraudulent intentions is irrelevant in determining if there is academic fraud.** Proof that a student had no intention to deceive can only be used to plead for a more lenient sanction.

Students have tried to prove their honest intentions by showing that they already had an excellent grade in the course

and had no reason to cheat. They also tried to prove that their intention was not to pass off somebody else's ideas as their own because they included the source in the bibliography.

At the U of O, your arguments do not matter. At the U of O, your intentions are irrelevant.

The bottom line of plagiarism cases is very simple: is there any unreferenced text that appears in your work? If yes, you are guilty of plagiarism. It may be a mistake but it doesn't matter. The best case scenario is to receive an F for the work.

## WHO ARE THE ACCUSED ?

**Out of the 48 students who consulted the Student Appeal Centre between November 1, 2007 and October 31, 2008 with cases of academic fraud, 71% were visible minorities.**

**Arab, Black and Asian men and women – these are the students that most often get accused of academic fraud.**

This systemic racism at the University of Ottawa must stop.

The central administration has been alerted to these numbers. The student media has reported these numbers. Nothing is being done to address the problem.

We observe that many international students are unfamiliar with our overly strict system of academic fraud.

We are also a witness to cases in which professors have used accusations of academic fraud as a tool to cause harm to students' careers. In three cases at the Faculty of Graduate Studies, black students were accused of fraud following a conflict they had with their professors. In a system where it only takes a minor referencing

mistake to be found guilty of academic fraud, search and you will find.

## THE GOAL OF REGULATIONS ON ACADEMIC FRAUD: THE PUNITIVE VS. THE EDUCATIONAL

Comparison with other universities' regulations proves that there are two trends in Ontario when treating academic fraud. Some institutions choose to adopt an educational approach and plan for alternative ways to address issues of fraud. For example, universities such as Brock, Carleton, Guelph and Laurier plan for more lenient sanctions including a written warning or "resubmission of the piece of academic work in which the violation was committed, for evaluation with or without a grade penalty" (Carleton University).

Other schools treat academic fraud similarly to the University of Ottawa; as a means of punishing students with serious sanctions that necessarily affect their academic careers and professional advancement. A discussion is needed at U of O. What is the goal in adopting regulations concerning academic fraud? The Student Appeal Centre suggests that we revisit our preconceived notions on academic fraud. The statistics speak for themselves: how long will the U of O continue to follow its racist and punitive system of academic fraud?

In closing, we note that the unfair practices denounced here concern the formal procedure on academic fraud. Many professors are more understanding and choose to adopt informal mechanisms to address issues of academic fraud. Those cases are untraceable and, as such, the Appeal Centre and the University are unaware of statistics regarding these informal cases.

## AN UPDATE ON THE SENATE APPEALS COMMITTEE

Last year the Student Appeal Centre denounced the long delays encountered when appealing to the Senate Appeals Committee, the final level of appeal for individual cases at the University of Ottawa. We had calculated that it took on average 78 days before students received a final decision. We denounced the fact that faculties had no deadline for making submissions to the Committee. We proposed policy changes to the University and the University accepted some of our suggestions, resulting in the following improvements:

- After refusing to reveal their identity during several years, the Senate Appeal Committee members no longer work under secrecy. Each member is now introduced at the beginning of the meeting.
- One student seat was added to the Committee.
- A twenty one business day deadline is now imposed on faculties when making submissions concerning a student's appeal.

**However, our 2007-2008 Senate appeals cases show that the average time of appeal has gone up to 82 days.** That's right, the adopted changes had absolutely no effect on the length of the procedure to the Senate Appeals Committee.

One important problem that continues to be belittling for students is the disregard with which they are treated by the Senate Appeals Committee. In reality, each student is treated very differently by Committee members. In the best cases Committee members show understanding and respect – in the worst cases, committee members show disregard and contempt for students. In one case, the appellant wrote to the Senate of the University following her hearing. She said, "I understand now that I am not your equal - that is the only possible explanation for the contempt with which you treated me this morning. I am a student, a nothing – message received."

Senate Appeal Committee hearings are not recorded. The SFUO demands that they be recorded – this will be to the benefit of both students and the University.

## NEW AND OLD TRENDS IN SYSTEMIC INJUSTICE

### IF YOU IGNORE STUDENTS, THEY MIGHT JUST GO AWAY

A technique that continues to be very efficient for the administration in dealing with student's appeals or complaints is to simply ignore them. Many students have to follow up at least once before receiving a

response. Sometimes, a response never comes. The Student Appeal Centre also follows up on these cases but we are sometimes ignored by the administration. Many cases end, not because a final decision has been reached, but simply because the student has given up.

## PSYCHOLOGICAL PROBLEMS AND STIGMATIZING STUDENTS

A dangerous recent trend is the *ad hoc* labeling of students who fight against the University as having “psychological problems.” On more than one occasion students who have gone to great lengths to defend themselves have been labeled as “crazy” or as “needing psychological help.”

**This behavior of the University labeling students “crazy” is strictly unacceptable.**

Some students do have medically recognized disabilities based on mental health. Cases prove that the University of Ottawa does not follow its obligation to accommodate these students. By blindly making illegitimate diagnoses, the University is reinforcing the terrible stigma that students with a disability are forced to face on a daily basis.

## THE POLICIES AND PRACTICES THAT DON'T EXIST

The University of Ottawa does not have an ombudsperson to act as an impartial mediator. It also lacks a policy against discrimination and intimidation of undergraduate students, and provides no clear guidelines on the duty to accommodate students with disabilities. With a community of over 40 000 people, we cannot think of a logical reason not to adopt and enforce policies to protect everybody's basic rights.

## RECOMMENDATIONS AND DEMANDS

The administration cannot fix the problems exposed in this report by itself. If our goal is efficiency and concrete progress, all unions, professors, support staff and students must be consulted. Our university setting is supposed to be founded upon open dialogue and critical thought – the students demand open forums and public consultations. **We demand to be involved in the changes that affect us.**

### RECOMMENDATIONS AND DEMANDS CONCERNING ACADEMIC FRAUD

*A complete revision of the regulation and practices concerning academic fraud is urgently needed.*

- Written practices ensuring fair and equitable investigations are necessary.
- Our policy needs to clearly state that students are innocent until proof of the contrary.
- Our policy needs to clearly state that the burden of proof rests on the University.
- Professors must have deadlines to follow if they wish to bring forward an accusation.
- The administration must follow deadlines to ensure that cases are dealt with in a timely fashion.
- Sanctions need to be revisited so that innocent mistakes can be fixed rather than punished.

- Students should not be sanctioned with a stricter sanction as a result of an appeal.
- Committee members should undergo sensibility training on diversity issues and racism.
- Students should be allowed to be accompanied by any person of their choice at all levels of investigation and appeal.
- All students need to have accessible and comprehensive tools to understand in detail what is required when it comes to referencing: to constantly reinforce fear of academic fraud is no way to educate.
- Accusatory attitudes and general disbelief of students who face accusations must stop immediately.

## OTHER RECOMMENDATIONS AND DEMANDS

- Administrators must respond in a timely fashion to all correspondence. Ignoring students is unacceptable.
- An ombudsperson is necessary to ensure the fair and equitable treatment of students by the University.
- A policy concerning discrimination and intimidation of undergraduate students is urgently needed.
- Cases should be dealt with more quickly: long delays are encountered at all levels of appeal.
- The Senate Appeal Committee's procedure must be reviewed to ensure that appeals are heard in a timely manner.
- We demand that Senate Appeal Committee hearings be recorded.

## CONCLUSION

### SOLIDARITY ON CAMPUS

Our report is not meant to exasperate the supposed division between students, professors and support staff. This division only serves to strengthen the administration's power by creating an inexistent opposition between our groups. Slowly but surely, students tell us about professors who are also victims of abuse of power, and unions share their frustration in dealing with the central administration. The SFUO is in solidarity with all other unions and groups at the University of Ottawa and we support you in your requests for an equitable and healthy campus environment. Let's unite – let's take back our campus.

## STATISTICS

### STUDENT APPEAL CENTRE STATISTICS FROM NOVEMBER 1, 2007 TO OCTOBER 31, 2008

Out of the 388 students who consulted the Student Appeal Centre, 47% were women and 45% were visible minorities.

#### Nombre de dossiers par faculté / Number of Cases per Faculty

Faculté / Faculty	Nombre de dossiers / Number of Cases
Arts / Arts	44
Common law / Common Law	3
Droit civil / Civil Law	4
Éducation / Education	13
Étu. sup. et post. / Grad. and Post. Studies	25
Génie / Engineering	98
Gestion / Management	24
Médecine / Medicine	3
Sciences / Science	37
Sciences de la santé / Health Science	47
Sciences sociales / Social Science	58
<i>Dossiers ne relevant pas d'une faculté / Cases Unrelated to a Faculty</i>	32

This table is not a reflection of the most problematic faculties. It is more a reflection of the Student Appeal Centre's good relationship with the Faculty of Engineering. Last year, we requested that all faculties inform their students of our services but all faculties refused except the Faculty of Engineering. We take this opportunity to thank the Faculty of Engineering for its continued collaboration with the Student Appeal Centre. Other faculties continue refusing to include the Student Appeal Centre's contact information in communications concerning accusations of academic fraud.

### Motifs pour faire appel / Grounds for Appeal

Motifs pour faire appel et/ou nature du problème / Grounds for Appeal and/or nature of the problem	Nombre de cas / Number of Cases
Accommodation / Accommodation	40
Admission / Admission	17
Autres services (Protection, Logement, etc.) / Other Services (Protection, Housing, etc.)	11
Cours et évaluation des cours / Courses and Course Evaluations	8
Exigences du diplôme / Degree Requirements	13
Éthique, discrimination, intimidation / Unethical Behaviour, Discrimination, Intimidation	35
Examens (différés, supplémentaires, conflits et absences) / Exams (deferred, supplemental, conflicts and absences)	42
Finances / Finances	30
Fraude scolaire / Academic Fraud	48
Gestion du cours / Course Management	27
Inscription ou désinscription aux cours / Registration or Deregistration to Courses	17
Notation et révision de notes / Grading and Grade Reviews	86
Problèmes avec un professeur / Problems with Professor	44
Relevés de notes / Transcripts	17
Retrait / Withdrawal	64
Autre / Other	4

This table is not a reflection of the Student Appeal Centre's total number of cases. Many cases involve more than one ground for appealing. For example, imagine a student who encounters problems deferring an exam following a conflict with a professor who refuses to accept the student's medical note. Such a case would count in the following categories: exams, accommodation and problems with a professor.

### Dossiers de fraude scolaire / Academic Fraud Cases

Faculté / Faculty	Nombre de dossiers / Number of Cases	Nombre de minorités visibles / Number of Visible Minorities
Arts / Arts	6	3
Common law / Common Law	1	1
Droit civil / Civil Law	0	0
Éducation / Education	0	0
Étu. sup. et post. / Grad. and Post. Studies	6	5
Génie / Engineering	3	3
Gestion / Management	12	10
Médecine / Medicine	0	0
Sciences / Science	8	3
Sciences de la santé / Health Science	3	2
Sciences sociales / Social Science	9	7

### Comité d'appel au sénat / Senate Appeals Committee

Faculté / Faculty	Nombre de dossiers / Number of Cases	Succès / Success	Nombre de minorités visibles / Number of Visible Minorities
Common law / Common Law	1	0	1
Étu. sup. et post. / Grad. and Post. Studies	2	0	2
Génie / Engineering	6	1	4
Gestion / Management	5	4	4
Sciences / Science	2	2	1