

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on December 12, 2007;

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters, 1995*;

AND IN THE MATTER OF the *University of Toronto Act, 1971*, S.O. 1971, c. 56 as amended S.O. 1978, c. 88

BETWEEN:

THE UNIVERSITY OF TORONTO

- and -

M [REDACTED] V [REDACTED]

Hearing Date: July 23, 2008

Members of the Panel:

- Mr. Raj Anand, Barrister and Solicitor, Chair
- Professor Ikuko Komuro-Lee, Faculty Panel Member
- Ms. Sujata Pokhrel, Student Panel Member

Appearances:

- Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers
- Ms. Sarah Crowder, Student Legal Case Worker, Downtown Legal Services

In Attendance:

- Ms. M [REDACTED] V [REDACTED], the Student, in attendance
- Ms. Kristi Gourlay, Manager, Office of Student Academic Integrity, Faculty of Arts and Science
- Ms. Nancy Smart, Senior Judicial Affairs Officer, Office of the Governing Council

- [1] For the reasons given at the time of the hearing, we find the allegations in paragraphs 8, 9, 18, 19, 23 and 24 of the Agreed Statement of Facts (see attached), to be proven.
- [2] We are prepared to deliver the decision and the reasons of the panel on penalty.
- [3] We have considered the Joint Submission on Penalty of the University and the Student and, while I would say that we are at the borderline, we are prepared to accept that Joint Submission. We considered asking for further information about what mitigating factors or other reasons might have rendered expulsion inappropriate in these circumstances. But we are satisfied on review and reflection that the Joint Submission on Penalty should be adopted by this panel.
- [4] In terms of the factors that are often cited from the Mr. C. case, particularly Mr. Sopinka's list, we have little or no evidence with respect to the character of the person charged, the likelihood of a repetition of the offence, although that is more inference than anything else, and extenuating circumstances surrounding the commission of the offence. We did have information about the nature of the offence committed and it was pretty clear what detriment to the University was occasioned by the offence and what might need to be done to deter others from committing a similar offence. I have referred to the six factors that Mr. Sopinka listed on page 12 of the Mr. C. decision.
- [5] In terms of those factors on which we have information, there is no doubt that these were very serious forms of misconduct. They strike at the heart of the academic mission of the University, at the bond of trust that exists between students and the institution and, indeed, at the credibility of the University in the public arena, when events such as this are permitted to take place. The three particulars - and I will call them three, although the first of them might be expanded to refer to the seven instances - the three acts were undoubtedly planned and deliberate.
- [6] The first involved seven uses of a false medical certificate which, from what we can gather was, itself, a major undertaking to create. We didn't hear much about how that was done, but intuitively I think fairly clear from the information that we have that that was an intricate and difficult process that would have required planning and deliberation. The second particular relates to an egregious example of obtaining and distributing information from the doctor that was known to be false. And the third relates to what I might call a fairly commonplace example of plagiarism in an essay. These were not spontaneous mistakes or negligent acts; these were planned and deliberate acts by the Student.
- [7] On the other side, in terms of the factors that need to be considered in imposing a penalty, are the Student's early admission of these acts and events, which we are told occurred at the divisional meeting eleven months ago today. In addition, she and her representative were clearly willing to work with the University to enter into an Agreed Statement of Facts and Joint Submission on Penalty, which clearly facilitated these proceedings and allowed this Tribunal to get to the bottom of this in relatively short order. Those acts of

cooperation are themselves evidence of contrition and remorse for this series of events, which I suppose can be seen as a form of mitigating circumstances.

- [8] The three offences occurred in short proximity to one another and there could be some debate as to whether, given the success of the false certificate followed by acts to cover-up the false certificate, they could be seen as the actions of a repeat offender, but in traditional terms they would be seen as concurrent offences because none of them came before this Tribunal until now. The penalty chosen and agreed to by the parties incorporate elements of rehabilitation in terms of the Student being given a second chance, albeit at a considerable distance in time from today, which itself provides a lengthy period of reflection. And, indeed, the notation on the Student's academic record and transcript will, under this penalty, persist for some seven years from today, which clearly is a lengthy period – an unusually lengthy period.
- [9] So given that mix of factors and considerations, which emerge from the Agreed Statement of Facts as put forward by the parties, we accept the Joint Submission on Penalty, which consists of the following:
- i. Grade of 0 in each of the seven (7) courses taken by the Student in the Winter 2007 session:
 - VIC348Y1Y
 - SLA244H1S
 - ENG302Y1Y
 - ENG444Y1Y
 - ITA210Y1Y
 - ENG354Y1Y
 - SLA251H1S
 - ii. Suspension for five (5) years from today, July 23, 2008
 - iii. Notation on transcript recording that the Student has been found guilty of academic misconduct for a period of seven (7) years from today, July 23, 2008
 - iv. Report this case to the Provost who may publish a Notice of the decision and the sanctions imposed, with the name of the Student withheld.
- [10] The panel wishes to thank both Mr. Centa and Ms. Crowder for their assistance in getting this matter to a conclusion before the Tribunal.

Date

Mar. 11/10

Mr. Raj Anand, Barrister and Solicitor

Agreed Statement of Facts

A. Background

1. In September 2002, Ms. V [REDACTED] registered in the Faculty of Arts and Science at the University of Toronto. By Winter 2007, Ms. V [REDACTED] had completed 14.0 credits. A copy of her academic record is included in the Joint Book of Documents at **Tab 3**.
2. In Winter 2007, Ms. V [REDACTED] enrolled in:
 - a. VIC348Y1Y, "The Renaissance in the Cities", taught by Professor Laura Willett;
 - b. SLA244H1S, "Studies in Film Genre I: Russian and Soviet Comedy", taught by Professor Leo Livak;
 - c. ENG302Y1Y, "Poetry and Prose, 1500-1600", taught by Professor Scott Schofield;
 - d. ENG444Y1Y, "Studies in Twentieth-Century Literature", taught by Professor Greig Henderson;
 - e. ITA210Y1Y, "Contemporary Italian", taught by Professor Somigli;
 - f. ENG354Y1Y, "Modern Canadian Poetry", taught by Professor Redekop; and
 - g. SLA251H1S, "Origins of Slavic Civilization", taught by Professor V. Mezentsev.

B. The forged medical certificate

3. Ms. V [REDACTED]'s treating physician was Dr. P.D. Dalgleish. On several occasions, Ms. V [REDACTED] had requested Dr. Dalgleish to sign University of Toronto Student Medical Certificates for her. For example, in February 2007, Dr. Dalgleish signed a Student Medical Certificate stating that she had the flu ("February Certificate"). A copy of the February Certificate is included in the Joint Book of Documents at **Tab 4**.

4. In April and May 2007, Ms. V [REDACTED] requested extensions of certain course work deadlines. Ms. V [REDACTED] made her requests in April and May 2007. Each of her requests cited medical problems as grounds for the extension.

5. In support of each request, Ms. V [REDACTED] submitted a copy of a U of T Student Medical Certificate dated April 12, 2007 (the "April Certificate"). A copy of the April Certificate is included in the Joint Book of Documents at **Tab 5**.

6. Ms. V [REDACTED] admits that she:

- a. did not attend an appointment with Dr. Dalglish on April 12, 2007;
- b. created the April Certificate by altering the date and content from the February Certificate; and
- c. submitted the April Certificate for the purpose of obtaining academic consideration in each of the courses in which she was enrolled in Winter 2007.

7. The University required the April Certificate to obtain the academic consideration sought by Ms. V [REDACTED].

8. Ms. V [REDACTED] admits that on or about April 13, 2007, she knowingly altered and falsified a document required by the University of Toronto and uttered, circulated and made use of any such altered and falsified document, namely, the April Certificate, contrary to section B.I.1(a) of the Code.

9. Ms. V [REDACTED] pleads guilty to charge #1 of the Charges filed by the Provost, which are included in the Joint Book of Documents at **Tab 2**.

C. The false doctor's letter

10. In Winter 2007, Ms. V [REDACTED] enrolled in VIC348Y1Y, which was taught by Professor Laura Willett.

11. In respect of VIC348Y1Y, Ms. V [REDACTED] requested that certain term work be re-marked on the grounds that her performance had been affected by medical problems.

12. On April 26, 2007, Ms. [REDACTED] wrote a letter to Dr. Dalgleish. A copy of this letter is included in the Joint Book of Documents at **Tab 6**.

13. In support of her petition, Ms. V [REDACTED] submitted the April Certificate and a letter from Dr. Dalgleish's office dated May 3, 2007 ("Dr. Dalgleish's Letter"). A copy of Dr. Dalgleish's Letter is included in the Joint Book of Documents at **Tab 7**. It stated:

To whom it may concern:

I Dr. P.D. Dalgleish verify that the medical note signed on April 12, 2007 is accurate and true – signed by myself that patient M [REDACTED] V [REDACTED] was in my office Apr 12, 2007, as a walk-in patient and the reason it was not recorded in our office records was because it was documented in M [REDACTED]'s medical certificate.

The certificate was signed by myself and dated by me. The original was misplaced, however M [REDACTED] did suffer from medical problems which caused her to miss school and work assignments. She continued to receive treatment.

P D Dalgleish MD

14. In fact, the information contained in Dr. Dalgleish's Letter is false. In particular:

- a. the medical note referred to (which is the Certificate) is neither accurate nor true; and
- b. Ms. V [REDACTED] did not attend at Dr. Dalgleish's office on April 12, 2007.

15. On July 6, 2007, after having had a further opportunity to review his records, Dr. Dalgleish sent a note to Kristi Gourlay, Manager of the Office of Student Academic Integrity, A copy of Dr. Dalgleish's note is included in the Joint Book of Documents at **Tab 8**. It states:

Due to new information received by me from U of T AND after extremely close scrutiny of M [REDACTED]'s CHART I now feel it is prudent and necessary TO RETRACT MY LETTER OF MAY 3, 2007.

16. Ms. V [REDACTED] admits that:

- a. she did not attend an appointment with Dr. Dalgleish on April 12, 2007;
- b. she knew that the relevant information contained in the Letter was false; and

- c. she submitted the Letter for the purpose of obtaining academic consideration in VIC348Y1Y.

17. The University required Dr. Dalgleish's Letter to obtain the academic consideration sought by Ms. V [REDACTED].

18. Ms. V [REDACTED] admits that on or about May 3, 2007, she knowingly uttered, circulated and made use of a falsified document required by the University of Toronto, namely, the Letter, contrary to section B.I.1(a) of the Code.

19. Ms. V [REDACTED] pleads guilty to charge #2 of the Charges filed by the Provost which are included in the Joint Book of Documents at **Tab 2**.

D. The plagiarized essay

20. In Winter 2007, Ms. V [REDACTED] enrolled in ENG444Y1Y, which was taught by Professor Greig Henderson.

21. On April 13, 2007, Ms. V [REDACTED] submitted an essay entitled "Sacramental Symbolism in Flannery O'Connor's *The Violent Bear It Away*", in ENG444Y1Y ("Symbolism Paper"). The Symbolism Paper was worth 40% of the final grade in ENG444Y1Y. A copy of the Symbolism Paper is included in the Joint Book of Documents at **Tab 9**.

22. Ms. V [REDACTED] admits that the text of the Symbolism Paper was almost entirely copied verbatim, or virtually verbatim, and without attribution from an essay which she purchased over the internet entitled "The Symbolic Vision of Flannery O'Connor: Patterns of Imagery in *The Violent Bear It Away*" (the "Purchased Paper"). A copy of the Purchased Paper is included in the Joint Book of Documents at **Tab 10**.

23. Ms. V [REDACTED] admits that in the Symbolism Paper she knowingly represented as her own an idea or expression of an idea and/or the work of another, contrary to section B.I.1(d) of the Code. She did no meaningful academic work on the Symbolism Paper, and essentially submitted the essay she had purchased.

24. Ms. V [REDACTED] admits that she is guilty of charge #3 of the Charges filed by the Provost, a copy of which is included in the Joint Book of Documents at **Tab 2**.


E. Acknowledgments

25. Ms. V [REDACTED] acknowledges that the University of Toronto has advised her to obtain independent legal advice before signing this Agreed Statement of Facts, and that she has done so.

Signed in Toronto on July 23, 2008.

M [REDACTED] V [REDACTED]

Signed in Toronto on July 23, 2008.


Robert A. Centa
Assistant Discipline Counsel
University of Toronto

University of Toronto
and

Joint Submission on Penalty

1. The University of Toronto and M [REDACTED] V [REDACTED] submit to the University Tribunal that the appropriate penalty in all the circumstances of this case is that:

a. the University Tribunal impose a grade of zero in each of the following courses taken by Ms. V [REDACTED] in Winter 2007:

1. VIC348Y1Y
2. SLA244H1S
3. ENG302Y1Y
4. ENG444Y1Y
5. ITA210Y1Y
6. ENG354Y1Y and
7. SLA251H1S;

b. Ms. V [REDACTED] be suspended from the University of Toronto for a period of five years from July 23, 2008 until July 22, 2013; and

c. her academic record and transcript bear a notation indicating that she has been found to have committed academic offences for seven years from July 23, 2008 to July 22, 2015.


2. The University of Toronto and Ms. V [REDACTED] submit that the University Tribunal should report this case to the Provost who may publish a notice of the decision of the University Tribunal and the sanctions imposed, with Ms. V [REDACTED]'s name withheld.

3. Ms. V [REDACTED] acknowledges that the University of Toronto has advised her to obtain independent legal advice before signing this Joint Submission on Penalty and that she has done so.

Signed in Toronto on July 23, 2008.

M [REDACTED] V [REDACTED]

Signed in Toronto on July 23, 2008.


Robert A. Centa
Assistant Discipline Counsel
University of Toronto