

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION**

IN THE MATTER charges of academic dishonesty made on November 19, 2009;

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 –

Y L

Hearing Date: October 19, 2010

Members of the Panel:

Mr. William McDowell, Barrister and Solicitor, Chair

Professor Miriam Diamond, Department of Italian Studies, Faculty Panel Member

Ms. Melvin Sert, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers

Ms. Betty-Ann Campbell, Law Clerk, Paliare Roland Barristers

Professor Michael Chazan, Department of Anthropology, Instructor for ANT200:
Introduction to Archaeology

Mr. Michael Nicholson, Associate Registrar, University College

Ms. Ellen Cunningham, Registrarial Assistant, University College

In Attendance:

Dr. Kristi Gourlay, Manager of the Office of Academic Integrity

Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

Not in Attendance:

Ms. Y L, the Student

[1] Pursuant to the Code of Behaviour on Academic Matters, 1995 ("the Code"), Ms Y L ("the student") was charged with having engaged in a form of non-specific cheating on two dates in 2009:

1. On or about April 16, 2009, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code* in order to obtain academic credit or other academic advantage of any kind when you attempted to persuade the University that you had received a passing grade in each of SOC101Y, ANT200Y, PSY100H, PSY210H, STA221H, and NRS201H in 2007 Winter, when you had not, contrary to section B.I.3(b) of the *Code*.
2. On or about August 21, 2009, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code* in order to obtain academic credit or other academic advantage of any kind when you attempted to persuade the University that you had received a passing grade in each of SOC101Y, ANT200Y, PSY100H, PSY210H, STA221H, and NRS201H in 2007 Winter, when you had not, contrary to section B.I.3(b) of the *Code*.

[2] Ms L did not appear at the hearing although it is clear from the record, notably the letter of Ronald G. Slaght, Q.C. on April 22, 2010 that the date was peremptory to her. (That letter was sent to an email address which was on record at the University for Ms L ; the panel accepts that material relating to the hearing was properly sent to that email address having regard to the September 1, 2006 Policy on Official Correspondence with Students which requires that students designate a University-issued email account.)

[3] The University was permitted to rely upon a brief of affidavits of Faculty and administrative staff of the University and University College in accordance with s. 15(1)(d) of the *Statutory Powers and Procedures Act*.

[4] The Tribunal heard from Ellen Cunningham, a Registrarial Assistant in University College that Ms L had come to the office on April 16, 2009 at University College expressing concern that she had received a grade of zero in the six courses in which she had registered in Fall-Winter 2006-2007. Ms Cunningham testified that during

that meeting Ms L claimed that she had completed all course work and done the assignments in each of the courses. Ms Cunningham passed this information on to Mr. Roop Jattan, a records assessor at University College, who expressed some scepticism about Ms L's position.

- [5] Mr. Michael Nicholson, the Associate Registrar of the University College, testified that Ms L met with him on August 20, 2009. At that time she once again related that her grades had been recorded incorrectly, that she should not have been suspended, and that she wished to re-register in courses in fall 2009.
- [6] It was clear to the Tribunal that Ms L did not complete all of her course assignments and examinations in her course work, and the University filed affidavit evidence from a number of instructors which attested to the fact that indeed she seemed to have done no work for evaluation in any of her courses. (The Tribunal reviewed the affidavits of the witnesses Augustine Vukov, Ivanka Knezevic and John Yeomans to this effect) We did not find it necessary to hear from the all of the faculty who were present at the hearing as we had the benefit of their affidavit evidence.
- [7] The Tribunal did hear from Professor Chazan who reviewed a number of documents which made it plain that Ms L had done nothing for evaluation through out his course ANT 200 (Introduction to Archaeology) in the Fall-Winter term 2006-2007. We note that the University might have substantially made out the charge under s. B.I.3(b) of the Code relying only upon the evidence of Professor Chazan.
- [8] For these reasons, the Tribunal finds that the student is guilty of the offenses charged.

Penalty

- [9] Mr. Centa submitted that the penalty should be expulsion. While this may at first impression seem to be excessive, the Tribunal concluded that it was appropriate in this case taking into account:

- (a) The student's actions were repeated on more than one occasion, and the misrepresentations were made to two different members of the University Community. In such circumstances, there can be no doubt that the student acted in a deliberate manner;
- (b) The student was already on academic suspension until April 2017 so, in practical terms, accepting the University's alternate submission, any penalty would commence in April 2017.

[10] The Tribunal concluded that quite apart from anything else, it was not in the student's interest to hold out the prospect of return to the University in all of the circumstances.

[11] Accordingly, the Tribunal has made the following Order:

- 1) Ms. L shall be immediately suspended from the University for a period of up to five years;
- 2) The Tribunal recommends to the President of the University that he recommend to the Governing Council that Ms. L be expelled from the University; and,
- 3) The Tribunal shall report this case to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed in the University newspapers, with the name of the Student withheld.

Dated this 15th day of December, 2010



William McDowell, Co-Chair