

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on January 22, 2008;

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 -

REDACTED A REDACTED

As dictated on May 5, 2008

Members of the Panel:

- Ms. Rodica David, Chair
- Professor Melanie Woodin, Faculty Panel Member
- Dr. Joan Saary, Student Panel Member

Appearances:

- Ms. Lily Harmer, Assistant Discipline Counsel
- Ms. REDACTED A REDACTED, the Student, did not attend

Transcription of Oral Reasons Delivered by the Chair at the Conclusion of the Hearing

- [1] This is a situation where the Student has chosen not to attend and has chosen not to provide us with any extenuating circumstances with respect to this extremely serious offence. The Student has admitted to two previous offences under the University of Toronto's Code of Behaviour, both of which, in our view, were serious and on which she received relatively lenient sanctions. Note that those two previous offences occurred in one year after the next; so we now have three successive years when the Student has admitted to offences under the Code. The action that the Student took was clearly deliberate and must have involved a significant amount of thought. She composed a

relatively long letter which turned out to be, on her own admission, a complete forgery in every respect.

[2] I would like to just review all of the criteria for sanction:

a. Character of the person charged

Well, we have no evidence before us directly on character. We do have the fact that in three successive years she committed serious offences under the *Code* and that is a mark of character.

b. Likelihood of repetition of the offence

We have no evidence on that at all and I don't think that we can make any finding.

c. Nature of the offence

In our view this is an extremely serious offence as it essentially affects the reputation of the University in terms of how it is portrayed to the public. However, we are also concerned about the fact that this type of offence – at least the facts that we have been provided with concerning this offence – could potentially even be the subject of criminal charges. In our view, an attempt to get money from a bank with a forged document could have potential consequences with criminal charges laid. Of course, when criminal charges are laid, the burden of proof is a stronger one, namely beyond a reasonable doubt, than it is when we are dealing with an offence under the University's *Code*. The burden there is for clear and cogent evidence. However, because the nature of the offence has the potential for criminal charges, that has given us a great deal of concern. We feel strongly that the University should not be implicated in behaviour that might otherwise be considered criminal. This is a very serious offence. Paragraph 16 of the R.W. case contains an extremely eloquent and well-stated analysis on serious offences and we believe that the majority of that paragraph applies to this case.

d. Extenuating circumstances

We have not been made aware of any extenuating circumstances surrounding the commission of this offence. If the Student, indeed, did not have the funds available to continue to pursue her academic career, she had many potential options. She might have attempted to speak to a faculty member about what financial concessions might be made; she could have perhaps worked part-time; she could have taken a year off and worked. She could have found other means of dealing with the challenge that presumably she thought she faced of not having enough funds to continue with her education. We also query how she found the funds to continue with her education in any event because we understand that she has taken more courses in this most recent academic year after she tendered this forged document. So in all, we do not find that there are any extenuating circumstances.

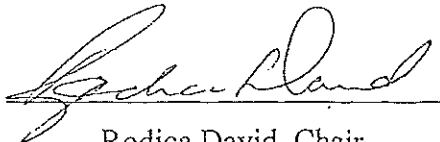
e. Need for deterrence

This is the type of offence that must be brought to the attention of students and a strong sanction imposed so that there is a strong deterrent factor. We are very proud of our University and we have to make certain that people understand that any document that

bears the name of the University is a legitimate document, composed by a person in authority to compose it. It is unfortunate that in this era of electronic information it seems easier to forge documents than in the past. So, we feel that the deterrent factor is very important and that the reputation of the University would be seriously diminished if we did not take a very proactive and serious approach to this.

- [3] Having considered all of the factors we have decided unanimously to accept the Joint Submission. Sanction will be imposed in accordance with the Joint Submission on Penalty, which is Exhibit 5, specifically:
- i. The Tribunal recommend to the President that he recommend to the Governing Council that the Student be expelled from the University; and
 - ii. Pending the decision of the Governing Council, that the Student be suspended from the University for a period of up to five years.
- [4] The Student and the University submit that the Tribunal should report this case to the Provost who may publish a notice of the decision of the Tribunal and the sanctions imposed, with the Student's name withheld.
- [5] Ms. Harmer, thank you very much for your extremely well-reasoned and informative submission, which has made our job much easier. This Tribunal is now adjourned.

Dated this 17th day of July, 2008


Rodica David, Chair

University of Toronto and R A ()

JOINT SUBMISSION ON PENALTY

1. The University of Toronto and R A submit to the Tribunal that the appropriate penalty in all the circumstances of this case is that:

- a. the Tribunal recommend to the President that he recommend to the Governing Council that Ms. A be expelled from the University; and
- b. pending the decision of the Governing Council, that Ms. A be suspended from the University for a period of up to five years.


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

3. Ms. A 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 May 4, 2008.

R A
Student

Signed in Toronto on May 2, 2008.


Lily Harmer
Assistant Discipline Counsel
University of Toronto

Agreed Statement of Facts on Sanction

First Offence

1. Ms. A [REDACTED] admitted to the offence of plagiarism in a dean's meeting on March 1, 2006 in connection with an essay submitted in the 2005 Fall Session in ENGB42H3F. Ms. A [REDACTED] included many paraphrases and direct unacknowledged quotations from an online website for an estimated 70-80% of an essay submitted in this course. The essay was worth 30% of the course mark.
2. Ms. A [REDACTED]'s explanation was that she had been rushed, and had intended to put in the references in footnotes but woke late in the morning the essay was due and failed to put in the references.
3. The Dean's Designate imposed a sanction of a mark of zero on the essay. She further placed a notation on Ms. A [REDACTED]'s transcript for a period of one year from January 1, 2006.
4. The Dean's Designate further advised Ms. A [REDACTED] that this was a lenient sanction, and that all acts of academic dishonesty are taken seriously and cannot be tolerated. Ms. A [REDACTED] was admonished not to do anything similar again.
5. A copy of a letter to Ms. A [REDACTED] from the Dean's Designate dated March 3, 2006 is attached at Tab 1.

Second Offence

6. Ms. A [REDACTED] further admitted to having plagiarized an essay submitted in ENGC56H3F in the 2006 Fall Session. Passages in the essay were taken

verbatim without attribution from four internet sources. Ms. A [REDACTED] made this admission at a meeting on February 7, 2007 with the Dean's Designate.

7. Ms. A [REDACTED] explained to the Dean's Designate that her father had died at the end of October, 2006, two weeks before the essay was due, but that she had not requested special consideration from the course instructor.

8. The Dean's Designate imposed a sanction of a reduction in the course grade of two times the value of the essay, for a total reduction of 50%, and a one year notation on Ms. A [REDACTED]'s transcript for a period of one year from January 1, 2007.

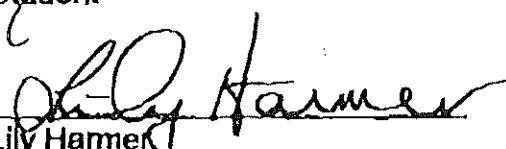
9. A copy of a letter to Ms. A [REDACTED] from the Dean's Designate dated February 13, 2007 is attached at Tab 2.

10. Ms. A [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 May 4, 2008.

R [REDACTED] A [REDACTED]
Student

Signed in Toronto on May 2, 2008.


Lily Hamer
Assistant Discipline Counsel
University of Toronto