

**THE UNIVERSITY TRIBUNAL
OF THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on September 29, 2011;

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 -

S [REDACTED] O [REDACTED]

Dates of Hearing: February 21, 2012

Members of the Panel:

- Mr. Clifford Lax, Q.C., Barrister and Solicitor, Chair
- Professor Dionne Aleman, Faculty Panel Member
- Mr. Jake Brockman, Student Panel Member

Appearances:

- Ms. Lily Harmer, Assistant Discipline Counsel for the University, Paliare Roland Barristers
- Professor Marc Cadotte, Instructor for BIOB50: Ecology, University of Toronto Scarborough
- Mr. Nicholas Mirotchnick, Teaching Assistant for BIOB50: Ecology, University of Toronto Scarborough
- Professor Mary Olaveson, Department of Life Sciences (Botany), University of Toronto Scarborough
- Dr. John Harper, Manager, Systems and Networking, Information and Instructional Technology Services, University of Toronto Scarborough
- Mr. Ali Choudhry, Student at the University of Toronto Scarborough

In Attendance:

- Dr. Eleanor Irwin, Dean's Designate, University of Toronto Scarborough
- Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

Not in Attendance:

- Mr. S [REDACTED] O [REDACTED], the Student

REASONS FOR DECISION

1. A number of charges against Mr. O [REDACTED] came before the University Tribunal on February 21, 2012. Mr. O [REDACTED] did not appear, but was convicted in his absence, of seven counts of knowingly attempting and/or using an unauthorized aid in connection with his academic work contrary to Section B.I 1.(b) of the *Code of Behaviour on Academic Matters* (the "Code") and of four counts of personating a course instructor in connection with a term test contrary to Section B.I 1.(c) of the Code.
2. For the reasons that follow, this Panel, after hearing submissions from counsel for the University, decided, that:
 - (a) Mr. O [REDACTED] should receive a final grade of zero in courses BYGB31H3 and BYGB50H3;
 - (b) Mr. O [REDACTED] be suspended from the University for a period not to exceed 5 years, commencing on February 22, 2012;
 - (c) it recommends to the President of the University that he recommend to the Governing Council of the University that it expel Mr. O [REDACTED] from the University;
 - (d) the sanctions imposed be recorded permanently on Mr. O [REDACTED]'s academic record and transcript; and
 - (e) this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed with the name of the student withheld.

Service

3. Mr. O [REDACTED] did not appear at the Hearing.
4. However, Mr. O [REDACTED] was advised in March, 2010 of allegations of possible academic offenses related to his having impersonated a professor, in order to wrongfully obtain a copy of an upcoming mid-term test as well as the answer key to that test. On April 7, 2010, Mr. O [REDACTED] met with Professor M.E. Irwin, the Dean's designate, to discuss the allegations and acknowledged having received a letter dated March 28, 2010 informing him of the allegations of personation, together with a copy of the Code. Following his meeting with Professor Irwin, no further acknowledgement of service of any documentation was received from the student.
5. The University provided notice of all charges to Mr. O [REDACTED] through his UToronto email account as well as his S [REDACTED]@yahoo.com account. The University also spoke with the student's mother, who acknowledged that she was in touch with her son and would convey to him the urgent request of the University counsel, that he contact them.

6. The Panel is satisfied that effective notice of the proceeding has been provided to Mr. O [REDACTED] and that he has deliberately and consciously decided to not take part in these disciplinary proceedings.
7. The matter was originally scheduled to proceed to hearing on November 29, 2011, however, counsel for the University indicated to the Chair of the Panel scheduled to then hear the matter that the University was prepared to grant an adjournment to permit further attempts to contact Mr. O [REDACTED], but that failing acknowledgement from Mr. O [REDACTED] by January 31, 2012, the matter was to proceed on a preemptory basis.
8. Failing further communication from Mr. O [REDACTED], the charges were scheduled for hearing on February 21, 2012. This Panel directed that the matter proceed despite Mr. O [REDACTED]'s absence.

The Evidence Supporting Conviction

(A) Personation of a Faculty Member

9. The evidence is overwhelming that Mr. O [REDACTED] personated a sessional lecturer, Mary Olaveson in order to obtain an upcoming mid-term test as well as the answer key from Professor Marc Cadotte, another faculty member.
10. Having obtained the answer key, Mr. O [REDACTED] not surprisingly achieved a perfect score on the mid-term test. By cheating he substantially improved his previous mid-term test mark of 44%.
11. Not only did Mr. O [REDACTED] successfully impersonate a faculty member in order to cheat on the mid-term test, but the evidence established his repeated attempts to gain entry into the University's computer system. These repeated attempts were unsuccessful but indicated a degree of doggedness, which if applied to Mr. O [REDACTED]'s academic studies might have obviated his need to cheat.
12. The evidence of John Harper, the manager of computer systems at the University's Scarborough campus, established that despite Mr. O [REDACTED]'s protestations that he had not used his computer for the repeated attempts to hack into the University's system nor to personate a faculty member, such protestations of innocence were as disingenuous as the perfect score he had obtained on the mid-term test.
13. Mr. O [REDACTED], having obtained the answer key, wrote the mid-term test on March 2, 2010. He was confronted with the evidence of academic dishonesty by Professor Cadotte by email on March 11, 2010. His protestations required the University to expend a significant amount of time and effort to prove that Mr. O [REDACTED]'s computer and his Yahoo account were used by him, in the personation of the faculty member. Naturally, his conduct caused personal distress to Ms. Olaveson and to Professor Cadotte and serious inconvenience to all other members of his class, who had to be advised that the

mid-term test had been compromised as a result of his conduct. His conduct had wide ranging and serious damaging repercussions to the University community.

(B) Submitting a Classmate's Work as his Own

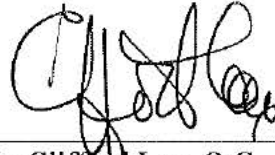
14. Notwithstanding having been recently confronted with the allegations that he had impersonated a faculty member in early March 2010, Mr. O [REDACTED], on March 25, 2010 secretly copied a written assignment previously completed by one of his classmates. He submitted his classmate's assignments as his own.
15. Not surprisingly, both Mr. O [REDACTED]'s submission and the original prepared by his classmate, were marked by a significant measure of similarity. This caused suspicion to fall on his classmate, as it was not immediately apparent which written assignment was inspired by the work of the other.
16. Ultimately, the University determined that Mr. O [REDACTED] had surreptitiously copied the other student's written assignment and after making some marginal (and largely incomprehensible) wording changes, Mr. O [REDACTED] had submitted the assignment as the product of his own research.
17. We accept the evidence of the innocent classmate that his work had been copied by Mr. O [REDACTED], who then brazenly submitted the assignment knowing that a computer analysis would likely reveal his plagiarism.

Penalty

18. Clearly, any student who dishonestly obtains the answer key to a test deserves a mark of zero in that course.
19. Furthermore, a student who copies his classmate's work and then makes minimal alterations to the wording (by using a thesaurus) deserves a mark of zero in that course.
20. The brazen nature of both offenses requires a penalty which leaves no doubt that the student's behavior is wholly unacceptable. Sadly, even after being uncovered as the impersonator of a faculty member, Mr. O [REDACTED] was not at all deterred from submitting his classmate's work as his own.
21. Perhaps, other students may be deterred from engaging in similar egregious conduct. Hopefully, the clear message that one will be expelled from the University will be sufficient to cause others, to turn away from the temptations that Mr. O [REDACTED] succumbed to.
22. Once again, this Panel wishes to point out the incongruity of granting the student anonymity in the written published report of this case. It is passing strange that the Code

grants the wrongdoer anonymity while those who suffered reputational harm or had their identities misappropriated, are not guaranteed the same protection.

Dated at Toronto, this 17th day of March, 2012.

A handwritten signature in black ink, appearing to read "Clifford Lax", written in a cursive style.

Mr. Clifford Lax, Q.C., Chair