

UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION

IN THE MATTER of charges of academic misconduct made on February 18, 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 —

P

P

Hearing Date: April 5, 2011

Members of the Panel:

Ms. Ira Parghi, Barrister and Solicitor, Chair

Professor Graeme Hirst, Department of Computer Science, Faculty Member

Mr. Albert So, Student Panel Member

Appearances:

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

In Attendance:

Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances, Sec

Not In Attendance:

Ms. P _____ P _____, the Student

CHARGES AND HEARING

- [1] The Trial Division of the University Tribunal held a hearing on April 5, 2011 to consider the following charges brought by the University of Toronto against Ms. P under the *Code of Behaviour on Academic Matters, 1995* ("the Code") laid against the Student by letter dated February 18, 2011:

LIN 204

1. On May 13, 2008, you knowingly falsified evidence required by the University of Toronto, namely, a petition form seeking deferral of an unwritten University of Toronto Mississauga course examination in the course LIN 204, contrary to Section B.I.1(a) of the Code.
2. In May 2008, you knowingly forged or in any other way altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such forged, altered or falsified document, namely, a document that purported to be a death notice or memorial card for Gagendran Kalaichelvan, which you submitted in support of your request for academic accommodations or relief in the course LIN 204, contrary to Section B.I.1(a) of the Code.
3. In the alternative to the charges set out above, in May, 2008, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in order to obtain academic credit or other academic advantage of any kind by making false statements and submitting falsified documents in support of your request for academic accommodation or relief in the course LIN 204, contrary to Section B.I.3(b) of the Code.

PHL 243

4. On May 13, 2008, you knowingly falsified evidence required by the University of Toronto, namely, a petition form seeking deferral of an unwritten University of Toronto Mississauga course examination in the course PHL 243, contrary to Section B.I.1(a) of the Code.
5. On or about May 26, 2008, you knowingly falsified evidence required by the University of Toronto, namely, a letter submitted in support of your petition seeking first deferral of an unwritten University of Toronto Mississauga course examination in the course PHL 243, contrary to Section B.I.1(a) of the Code.
6. In May 2008, you knowingly forged or in any other way altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such forged, altered or falsified document, namely, a document that purported to be a death notice or memorial card for Gagendran

Kalaichelvan, which you submitted in support of your request for academic accommodations or relief in the course PHL 243, contrary to Section B.I.1(a) of the Code.

7. In the alternative to the charges set out above, in May 2008, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in order to obtain academic credit or other academic advantage of any kind by making false statements and submitting falsified documents in support of your request for academic accommodation or relief in the course PHL 243, contrary to Section B.I.3(b) of the Code.

SOC 222

8. On December 11, 2009, you knowingly falsified evidence required by the University of Toronto, namely, a petition form seeking first deferral of an unwritten University of Toronto Mississauga course examination in the course SOC 222, contrary to Section B.I.1(a) of the Code.
9. On or about December 11, 2009, you knowingly falsified evidence required by the University of Toronto, namely, a letter submitted in support of your petition seeking first deferral of an unwritten University of Toronto Mississauga course examination in the course SOC 222, contrary to Section B.I.1(a) of the Code.
10. Between December 11 and 14, 2009, you knowingly forged or in any other way altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such forged, altered or falsified document, namely, a document that purported to be a death notice or memorial card for A P , which you submitted in support of your request for academic accommodations or relief in the course SOC 222, contrary to Section B.I.1(a) of the Code.
11. In the alternative to the charges set out above, between December 11 and 14, 2009, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in order to obtain academic credit or other academic advantage of any kind by making false statements and submitting falsified documents in support of your request for academic accommodation or relief in the course SOC 222, contrary to Section B.I.3(b) of the Code.

SOC 221

12. On April 24, 2010, you knowingly falsified evidence required by the University of Toronto, namely, a petition form seeking first deferral of an unwritten University of Toronto Mississauga course examination in the course SOC 221, contrary to Section B.I.1(a) of the Code.

13. Between April 24 and 28, 2010, you knowingly forged or in any other way altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such forged, altered or falsified document, namely, a document that purported to be a death notice or memorial card for S P which you submitted in support of your request for academic accommodations or relief in the course SOC 221, contrary to Section B.I.1(a) of the Code.
14. In the alternative to the charges set out above, between April 24 and 28, 2010, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in order to obtain academic credit or other academic advantage of any kind by making false statements and submitting falsified documents in support of your request for academic accommodation or relief in the course SOC221, contrary to Section B.I.3(b) of the Code.

[2] The particulars of the offences charged are as follows:

15. At all material times, you were a registered student at the University of Toronto. In Winter 2008, you were enrolled in LIN 204 H5 S – English Grammar and PHL 243 S – Philosophy of Human Sexuality.
16. On May 13, 2008, you submitted petitions to defer unwritten examinations in PHL 243 and LIN 204. On each petition form you stated that you were late in submitting your petition due to a death in your family. You knew this statement was false.
17. In support of these petitions you submitted what purported to be a death announcement in the name of G. K., which indicated a funeral service was held at Green Lawn Funeral Home in Jacksonville, Florida on May 8 and 9, 2008. You knowingly forged or otherwise falsified this death announcement.
18. In support of your petition, you submitted a letter dated May 26, 2008, which stated that your petition was delayed because you were attending a funeral in Florida. This statement was false.
19. You knowingly made these false statements and submitted these forged or falsified documents in support of your request for academic consideration, or to obtain an academic advantage of some other kind.
20. In Fall 2009, you were registered in SOC 222 H5 – Measuring Society.
21. On December 11, 2009, you submitted a petition form to defer an unwritten course examination in SOC 222. Your petition stated that you wished to petition this exam due to a death in the family. You knew this statement was false.

- [3] Ms. P was not present at the hearing. Prior to the hearing, she provided counsel for the University with an executed Consent in which she confirmed that she had received a copy of the Notice of hearing dated April 5, 2011; that the University had provided her with reasonable notice of this hearing; that she requests that this Tribunal proceed in her absence; that she waives her right to any further notice of these proceedings; that she has signed an Agreed Statement of Facts and a Joint Submission on Penalty; that she does not wish to attend or participate further in these proceedings; and that she understands that, in her absence, the Tribunal may find that she has committed an act or acts of academic misconduct and may impose sanctions against her as set out in the Code. Ms. P was not represented by counsel at the hearing.

AGREED STATEMENT OF FACTS & FINDING OF GUILT

- [4] At the outset of the hearing, the Tribunal was advised that the University had entered into an Agreed Statement of Facts with Ms. P. That document is attached as Appendix A to this decision. Pursuant to that Agreed Statement of Facts, Ms. P pleaded guilty to all 14 charges filed by the Provost. The University agreed that, if the Tribunal convicted Ms. P on charges 1 and 2, the Provost would withdraw charge 3; that, if the Tribunal convicted her on charges 4-6, the Provost would withdraw charge 7; that, if the Tribunal convicted her on charges 8-10, the Provost would withdraw charge 11; and that, if the Tribunal convicted her on charges 12 and 13, the Provost would withdraw charge 14.
- [5] After reviewing the facts contained in the Agreed Statement of Facts, the Tribunal deliberated and concluded that the facts form the foundation for a finding of guilt on charges 1, 2, 4-6, 8-10, 12, and 13, and agreed to accept the guilty pleas in respect of those charges.

JOINT SUBMISSION ON PENALTY & SANCTION

- [6] The parties submitted a Joint Submission on Penalty, in which it was jointly proposed that Ms. P be given a final grade of zero in each of the courses LIN 204 H5 S (English Grammar), PHL243S (Philosophy of Human Sexuality), SOC222H5 (Measuring Society), and SOC221H5S (The Logic of Social Inquiry); that she be suspended from the University from April 5, 2011 until April 5, 2016; and that a notation be made of the sanction on her academic record and transcript from the date of the Order until April 5, 2016. That document is attached as Appendix B.
- [7] It was also jointly submitted that this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanction imposed in the University newspapers, with Ms. P's name withheld.
- [8] There is a high threshold in order for the Tribunal to reject a Joint Submission on Penalty. To meet this threshold, the Tribunal would have to be of the view that accepting the Joint Submission on Penalty would bring the administration of justice into disrepute. The Tribunal has concluded that this is not such a case, and that it is therefore appropriate to accept the Joint Submission on Penalty.

- [9] The Tribunal, in arriving at this conclusion, considered the factors that are to govern its sanctioning decisions, as set out by Mr. Sopinka, as he then was, in *The University of Toronto and Mr. C.*, dated November 5, 1976. The Tribunal concluded that those factors support the imposition of the penalty set out in the Joint Submission on Penalty in this matter. Ms. P has admitted to submitting false information and falsified documents to her professors on four distinct occasions in an effort to defer her course examinations. She committed these offences in respect of two different courses in 2008, and then again in respect of one course in 2009 and one course in 2010. The false information she included in her petitions included, on each occasion, the statement that there had been a death in her family. The falsified documents submitted in support of the petitions included, on each occasion, fabricated death announcements, typically complete with the name of the deceased, his or her photograph, and details about the funeral service. Significantly, she has admitted that she knowingly provided this false information and these forged or falsified documents to the University in order to obtain an academic advantage and mislead her instructors, and with the expectation that the instructors would rely on this information to their detriment and would provide her with an academic advantage.
- [10] These are very serious offences to which Ms. P has admitted. Providing false information and falsified documents to a professor even once is a serious offence. Ms. P has admitted to committing such acts on four distinct occasions over a period of two years. In doing this, she attempted to obtain an advantage for herself, and acted to the detriment of her fellow students and of the University.
- [11] The Tribunal is of the view that the Joint Submission on Penalty calls for a penalty that is clearly reasonable. The case law shows that the offences to which Ms. P has admitted often lead to 5 year suspensions, and notations on transcripts for even longer durations than the one proposed in the Joint Submission on Penalty here (*see, e.g., University of Toronto and M.H.*, dated September 20, 2010; *University of Toronto and M.V.*, dated July 23, 2008; *University of Toronto and I.M.* dated January 20, 2010; and *University of Toronto and B.R.N.*, dated February 28, 2011).
- [12] Finally, the Tribunal finds that there is no reason to believe that the administration of justice would be brought into disrepute by its accepting the Joint Submission on Penalty. The Tribunal readily accepts that Ms. P has obtained or had the opportunity to obtain independent legal advice in respect of this matter; that she has had appropriate notice of the hearing and has requested that the hearing proceed in her absence; and that she has signed both the Agreed Statement of Facts and the Joint Submission on Penalty freely, voluntarily, and with knowledge of the potential consequences she faces.
- [13] The Tribunal is accordingly of the view that the penalty outlined in the Joint Submission on Penalty is appropriate, and accepts the Joint Submission on Penalty. An Order to this effect has been issued.

Dated at Toronto, this 10th day of June, 2011,



Ira Parghi, Co-Chair

APPENDIX A

NO. 2.

THE UNIVERSITY TRIBUNAL
 THE UNIVERSITY TRIBUNAL, THE UNIVERSITY OF TORONTO: TO: DATO

IN THE MATTER OF charges of academic dishonesty made on February 18, 2011, Ms. P
 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. 58 as amended
 S.O. 1978, c. 88

This Exhibit is produced by
 the University of Toronto
 this 5th day of April, 2011

BETWEEN:

THE UNIVERSITY OF TORONTO

- and

P

P

AGREED STATEMENT OF FACTS

1. This hearing arises out of charges of academic misconduct filed by the Provost of the University of Toronto (the "Provost") under the *Code of Behaviour on Academic Matters* ("Code"). For the purposes of this hearing, the Provost and P (Ms. P) have prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The Provost and Ms. P agree that:

(a) each document contained in the JBD may be admitted into evidence at the Tribunal for all purposes, including to prove the truth of the document's contents, without further need to prove the document; and

(b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

A. Notice of hearing

2. Ms. P admits that she received a notice of hearing for April 5, 2011, and that she received reasonable notice of the hearing. The notice of hearing is included in the JBD at Tab 1.

B. Charges and guilty plea

1. Ms. P admits that she received a copy of the charges filed by the Provost on February 18, 2011, which are found at JBD Tab 2.
2. Ms. P has been advised and provided with the opportunity to seek independent legal advice.
3. Ms. P waives the reading of the charges filed against her, and pleads guilty to all 14 charges filed by the Provost.
4. If the Tribunal convicts Ms. P on:
 - (a) charges 1 and 2, the Provost will withdraw charge 3;
 - (b) charges 4 to 6, the Provost will withdraw charge 7;
 - (c) charges 8 to 10, the Provost will withdraw charge 11; and
 - (d) charges 12 to 13, the Provost will withdraw charge 14.

7. A copy of Ms. P's academic record, dated February 10, 2011, is found in the JBD at Tab 3. At all material times, Ms. P was a student member of the University of Toronto, within the meaning of the *Code of Behaviour on Academic Matters*. Ms. P acknowledges that the University Tribunal has jurisdiction over her and that the *Code of Behaviour on Academic Matters* applies to her conduct

C. Offenses committed in LIN 204 H5 S – English Grammar

1. In the winter term of 2008, Ms. P was enrolled in LIN 204 H5 S – English Grammar, which was taught by Prof. Daniel Hall ("English Grammar"). A copy of the course syllabus in English Grammar is included in the JBD at Tab 4.
2. On May 13, 2008, Ms. P submitted a petition to defer an unwritten examination in English Grammar. Ms. P admits that she knew this petition contained false information, including, but not limited to the statement that she was late in submitting her petition due to a death in her family. A copy of this petition is included in the JBD at Tab 5.
3. In support of her petition, Ms. P submitted what purported to be a death announcement in the name of G K, which indicated that a funeral service had been held at Greenlawn Funeral Home in Jacksonville, Florida on May 8 and May 9, 2008. A copy of this death announcement is included in the JBD at Tab 6. Ms. P admits that she knowingly forged or otherwise falsified this death announcement.

D. Offenses committed in PHL 243 S – Philosophy of Human Sexuality

11. In the winter term of 2008, Ms. P was enrolled in PHL 243 S – Philosophy of Human Sexuality, which was taught by Prof. Thierman ("Philosophy of Human Sexuality"). A copy of the course syllabus in Philosophy of Human Sexuality is included in the JBD at Tab 7.
12. On May 13, 2008, Ms. P submitted a petition to defer an unwritten examination in Philosophy of Human Sexuality. Ms. P admits that she knew this petition contained false information, including, but not limited to the statement that she was late in submitting her petition due to a death in her family. A copy of this petition is included in the JBD at Tab 8.
13. In support of her petition, Ms. P submitted a letter dated May 26, 2008. Ms. P admits that she knew this letter contained false information, including, but not limited to the statement that she was late in submitting her petition because she had been attending a funeral in Florida. A copy of this petition is included in the JBD at Tab 9.
14. Also in support of her petition, Ms. P submitted what purported to be a death announcement in the name of G K, which indicated that a funeral service had been held at Greenlawn Funeral Home in Jacksonville, Florida on May 8 and May 9, 2008. A copy of this death announcement is included in the JBD at Tab 10. Ms. P admits that she knowingly forged or otherwise falsified this death announcement.

E. Offences committed in SOC 222 H5 – Measuring Society

1. In the fall term of 2009, Ms. P was enrolled in SOC 222 H5 – Measuring Society, which was taught by Prof Weiguro Zhang ("Measuring Society"). A copy of the course syllabus in Measuring Society is included in the JBD at Tab 11.
2. On December 11, 2009, Ms. P submitted a petition to defer an unwritten examination in Measuring Society. Ms. P admits that she knew this petition contained false information, including, but not limited to the statement that there had been a death in her family. A copy of this petition is included in the JBD at Tab 12.
3. In support of her petition, Ms. P submitted a letter dated December 11, 2009. Ms. P admits that she knew this letter contained false information, including, but not limited to the statement that she had been unable to attend the examination "due to a tragic death in her family." A copy of this petition is included in the JBD at Tab 13.
4. Also in support of her petition, Ms. P submitted what purported to be a death announcement in the name of A. P. which indicated that a funeral service would be held at Jones-Gallagher Funeral Home & Cremation Services in Keystone Heights, Florida on December 11 and December 12, 2009. A copy

of this death announcement is included in the JBD at Tab 14. Ms. P admits that she knowingly forged or otherwise falsified this death announcement.

F. Offences committed in SOC 221 H5 S – The Logic of Social Inquiry

19. In the winter term of 2010, Ms. P was enrolled in SOC 221 H5S – The Logic of Social Inquiry, which was taught by Prof. Barry Green ("The Logic of Social Inquiry"). A copy of the course syllabus in The Logic of Social Inquiry is included in the JBD at Tab 15.

1. On April 24, 2010, Ms. P submitted a petition to defer an unwritten examination in The Logic of Social Inquiry. Ms. P admits that she knew this petition contained false information, including, but not limited to the statement that her aunt had died in a car accident on April 19, 2010, and that Ms. P had attended a funeral service in Florida. A copy of this petition is included in the JBD at Tab 16.
2. In support of her petition, Ms. P submitted what purported to be a death announcement in the name of S. P, which indicated that a funeral service had been held at Jones-Gallagher Funeral Home & Cremation Services in Keystone Heights, Florida on April 22, April 23 and April 24, 2010. A copy of this death announcement is included in the JBD at Tab 17. Ms. P admits that she knowingly forged or otherwise falsified this death announcement.

G. General Admissions

22. With respect to all of the false information, forged or falsified documents that Ms. Puvanendirarajah provided to the University, Ms. P admits that she knowingly provided them to the University:

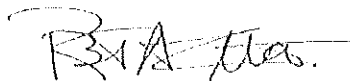
- (a) in order to obtain an academic advantage;
- (b) to mislead the instructors; and
- (c) expecting that the instructors would rely on this information to their detriment and would provide her with an academic advantage.

1. On September 30, 2010, Ms. P met with Sandra Speller, Assistant Registrar (Academic Standards & Examinations), to discuss the supporting documentation Ms. P had submitted in petitions for deferred examinations. During this meeting, Ms. P admitted that she had provided false information and documentation for her petitions for deferred exams in English Grammar, Philosophy of Human Sexuality, Measuring Society and The Logic of Social Inquiry.
2. On January 10, 2011, Ms. P met with Professor Catherine Seguin, Dean's Designate for Academic Integrity, to discuss the allegation that Ms. P had violated the *Code of Behaviour on Academic Matters*. During this meeting, Ms. P signed an acknowledgement that she was guilty of committing forgery in relation to the courses of English Grammar, Philosophy of Human Sexuality, Measuring Society and The Logic of Social Inquiry. This admission is included in the JBD at Tab 18.
3. Ms. P acknowledges that she is signing this ASF freely and voluntarily, knowing of the potential consequences she faces. Ms. P has been advised and provided with the opportunity to seek independent legal advice.
4. Ms. P acknowledges that the Provost has provided her with no assurances regarding what sanction she may request the Tribunal to impose in this case.

Signed on March 30th, 2011

P P
2011.

Signed on March 30th,


Robert A. Centa
A/Discipline Counsel
4/5/2011

Robert A. Centa Assistant Discipline Counsel
University of Toronto

NO. / /

THE UNIVERSITY TRIBUNAL THE UNIVERSITY OF TORONTO
 THE UNIVERSITY OF TORONTO
 AND

IN THE MATTER OF charges of academic dishonesty made on February 10, 2011, *Ms. P*
 AND IN THE MATTER OF the University of Toronto Code of Behaviour on Academic Matters, 1995, This Exhibit is produced by
 AND IN THE MATTER OF the University of Toronto Act, 1971, S.O. 1971, c. 58 as amended
 S O 1970, c 88 the 5th day of April, 2011

BETWEEN

THE UNIVERSITY OF TORONTO

- and

P

P

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JOINT SUBMISSION ON PENALTY

1. For the purposes of the sanction phase of this hearing under the *Code of Behaviour on Academic Matters* ("Code"), the University of Toronto (the "University") and P. P
 ("Ms. P") have prepared this Joint Submission on Penalty.
2. The Provost and Ms. P submit that the appropriate penalty in all the circumstances of the case is that the University Tribunal impose the following sanctions on Ms. P
 - (a) a final grade of zero in each of the following courses:
 - (i) LIN 204 H5 S – English Grammar,
 - (ii) PHL 243 S – Philosophy of Human Sexuality;
 - (iii) SOC 222 H5 – Measuring Society; and

(iv) SOC 221 H5 S – The Logic of Social Inquiry;

(b) a suspension from the University from April 5, 2011, until April 5, 2016;

(c) a notation of the sanction on her academic record and transcript from the date of the Order until April 5, 2016;

3 The parties agree that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanction imposed in the University newspapers, with the name of the student withheld.

A. Agreed facts submitted in support of the Joint Submission on Penalty

1. For the purposes of the sanction phase of this hearing, the Provost and Ms. P have agreed on certain additional facts that may be considered by the Tribunal in connection with the Joint Submission on Penalty.
2. Ms. P has no prior academic offences and admitted guilt at the Dean's meeting.
3. Ms. P has been enrolled at the University of Toronto since 2003. She has accumulated 8.0 academic credits and earned a cumulative GPA of 1.47. At the time of the offences, Ms. P was on academic probation. Currently, Ms. P is under a 1-year academic suspension (May 1, 2010 – April 30, 2011) due to her low GPA.
4. Ms. P suffers from depression. At the time she committed the offences, and currently, she is under medical care.
5. Ms. P acknowledges that she has signed this JSP freely and voluntarily, knowing of the potential consequences she faces. Ms. P has been advised and provided with the opportunity to seek independent legal advice.

Signed on March 30, 2011.

April
Signed on March 5, 2011

P P



Robert A. Conta Assistant Discipline Counsel
University of Toronto

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