

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on
December 5, 2012,

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 am.

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

S [REDACTED] M [REDACTED]

REASONS FOR DECISION

Hearing Date: Monday, August 19, 2013

Panel Members:

Ms. Dena Varah, Barrister and Solicitor, Chair

Dr. Joel Kirsh, Department of Medicine, Faculty Member

Ms. Saneea Tanvir, Student Member

Appearances:

Ms. Amber Neumann, Legal Case Worker, Downtown Legal Services

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

In Attendance:

Ms. S [REDACTED] M [REDACTED], the Student

Ms. Lucy Gaspini, Manager, Academic Integrity and Affairs, University of Toronto
Mississauga

Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances,
Office of the Governing Counsel

REASONS FOR DECISION

1. The Trial Division of the University of Toronto Tribunal was convened on August 19, 2013 to consider charges advanced by the University of Toronto (the "University") against S [REDACTED] M [REDACTED] (the "Student") under the Code of Behaviour on Academic Matters (the "Code").

The Charges

2. The Student is charged with four offences under the Code:

(1) In November 2011, 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 University of Toronto Student Medical Certificate, dated November 18, 2011, which you submitted in support of your request for academic accommodations or relief in PSY280, contrary to Section B.I.1(a) of the Code.

(2) In February 2012, 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 University of Toronto Student Medical Certificate, dated February 3, 2012, which you submitted in support of your request for academic accommodations in PSY252, contrary to Section B.I.1(a) of the Code.

(3) In June 2012, 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 University of Toronto Student Medical Certificate, dated June 20, 2012, which you submitted in support in support of your

request for academic accommodations in PSY321, contrary to Section B.I.1(a) of the Code.

(4) In the alternative to each of the charges above, 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 submitting falsified or forged documents to the University of Toronto in support of various forms of academic accommodation or relief, contrary to Section B.I.3(b) of the Code.

Agreed Statement of Facts and Plea

2. At the outset of the hearing, Discipline Counsel advised that the University and the Student had entered into an Agreed Statement of Facts. The Agreed Statement of Facts is attached hereto as Appendix "A".

3. Pursuant to the Agreed Statement of Facts, the Student pled guilty to charges (1)-(3) listed above. Discipline Counsel advised that if the Tribunal accepted the plea on the first three charges then the University withdrew charge (4).

4. The Student was in attendance and confirmed that she pled guilty to the charges as provided for in the Agreed Statement of Facts.

5. The details of the charges are set out in the Agreed Statement of Facts and are supported by the documents contained in the Joint Book of Documents. The charges relate to three petitions filed by the student for academic

accommodation on the basis of medical illness. The essential elements of the charges are set out below.

The First Petition

6. The first charge relates to a petition filed by the Student in November 2011 in PSY 280. The Student petitioned the Department of Psychology for academic accommodation for a test she missed on November 18, 2011. The test the Student missed was worth 23% of the final grade in PSY 280.

7. In support of this petition, the Student submitted a University of Toronto Student Medical Certificate, which was purportedly signed by Dr. Nafissa Aptikar on November 18, 2011 (the "November 18 Certificate").

8. Without verifying its authenticity, the University accepted the November 18 Certificate and granted the Student's petition for academic accommodation.

9. The Student admits that she knowingly forged and falsified the November 18 Certificate. The November 18 Certificate was not prepared or signed by Dr. Nafissa Aptikar.

The Second Petition

10. The second charge relates to a petition filed by the Student in February 2012 in PSY 252. The Student petitioned the Department of Psychology for academic accommodation for a test that she missed on February 3, 2012. The test the Student missed was worth 28% of the grade in PSY 252.

11. In support of this petition, the Student submitted a University of Toronto Student Medical Certificate, which was purportedly signed by Dr. Nafissa Aptikar on February 3, 2012 ("February 3 Certificate").

12. Without verifying its authenticity, the University accepted the February 3 Certificate and granted the Student's petition for academic accommodation.

13. The Student admits that she knowingly forged and falsified the February 3 Certificate. The February 3 Certificate was not prepared or signed by Dr. Nafissa Aptikar.

The Third Petition

14. The third charge relates to a petition filed by the Student in June 2012 in PSY 321. The Student petitioned the Department of Psychology for academic accommodation for an assignment she had not handed in due on or about June 20, 2012. The assignment was worth 25% of the final grade in PSY 321.

15. In support of her petition, the Student submitted a University of Toronto Student Medical Certificate dated June 20, 2012, which was purportedly prepared and signed by Dr. Joanne Dunstall ("June 20 Certificate").

16. Without verifying its authenticity, the University accepted the June 20 Certificate and granted the Student's petition for academic accommodation.

17. The Student admits that she knowingly forged and falsified the June 20 Certificate. The June 20 Certificate was not prepared or signed by Dr. Joanne Dunstall.

Decision on Charges

18. The Tribunal reviewed the Agreed Statement of Facts, the documents in support thereof and considered the submissions of Discipline Counsel. After deliberating, the Tribunal determined that the facts proved charges 1-3 and accepted the guilty plea entered into by the Student.

19. As a result, the University withdrew charge 4. The Tribunal makes no findings or determinations with respect to this charge.

Penalty

20. The University and the Student submitted a Joint Submission on Penalty. The Joint Submission on Penalty is attached to these reasons as Appendix "B". The Joint Submission on Penalty proposed the following:

- (a) Assign to the Student a final grade of zero for each of: PSY 280, PSY 252 and PSY 321;
- (b) suspend the Student from the University from the date of the order of the Tribunal until May 31, 2018; and
- (c) place a notation on the Student's academic record and transcript for a period of five years from the date of the order.

21. In oral submissions, Discipline Counsel emphasized that the seriousness of the offences as they reflect repeated acts of dishonesty by the Student to gain an advantage over her peers. He noted that this penalty is consistent with prior Tribunal decisions on similar offences.

22. Discipline Counsel referred the Tribunal to the two cases in which students were charged with and plead guilty to falsifying multiple petitions for academic accommodation. In both cases, the students received final grades of zero in the relevant courses, five-year suspensions and notations on their academic record and transcript for a five-year period (*The University of Toronto v. F [REDACTED] F [REDACTED]* [Case 642; June 10, 2011]; *The University of Toronto v. Q [REDACTED] W [REDACTED]* [Case 633; March 22, 2012]).

23. Discipline Counsel noted that the proposed suspension in this case is slightly less than five years because the Student has met all requirements for graduation and will be eligible to graduate immediately following the suspension, being June 2018. If the suspension were a full five years it would delay the Student's graduation and, hence the practical effect of the penalty, for more than five years.

23. On behalf of the Student, Ms. Neumann submitted that the Student's cooperation throughout the process was a mitigating factor. Ms. Neumann also submitted documentation of the Student's significant learning disability, which she submitted was another mitigating factor on penalty.

24. The Tribunal is mindful that there is a high threshold for rejecting a Joint Submission on Penalty. To reject a Joint Submission on Penalty, the Tribunal would have to hold that accepting the Joint Submission on Penalty would bring the administration of justice into disrepute. This is not such a case.

25. The offences to which the Student has admitted are very serious. Submitting even one false petition would be a significant act of dishonesty and a serious breach of trust. The Student has admitted to submitting three false petitions in three different courses. In doing so, the Student sought to obtain an academic advantage on three separate occasions to the detriment of her fellow students and of the University.

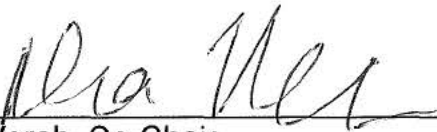
26. The Penalty is fully in line with the precedents for similar types of offenses, which led to almost identical penalties. The fact that the penalty is slightly under five years to permit the Student to graduate in June 2018 is warranted in the circumstances. The Student will have a notation on her academic record and transcript for a full five-year period.

27. Finally, the mitigating factors in this case further support the reasonableness of the penalty. The Student cooperated throughout this process, from the very first allegation to this Tribunal hearing. She has accepted responsibility for her acts, and although her learning disability was raised as another mitigating factor on penalty, it was not relied upon to excuse the underlying offences.

28. The Tribunal is therefore satisfied that the Joint Submission on Penalty is reasonable in view of all of the circumstances of the case, and does not bring the

administration of justice into disrepute. The Tribunal accepts the Joint Submission on Penalty. The Tribunal's order to this effect is attached as Appendix "C".

Dated at Toronto, this 12th day of September, 2013,



Dena Varah, Co-Chair

APPENDIX A

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on December 5, 2012,
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 am. S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

S [REDACTED] M [REDACTED] ([REDACTED])

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 S [REDACTED] M [REDACTED] ("Ms. M [REDACTED]") have prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The Provost and Ms. M [REDACTED] 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. M [REDACTED] admits 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

3. Ms. M [REDACTED] admits that she received a copy of the charges filed by the Provost on December 5, 2012, which are found at JBD Tab 2. Ms. M [REDACTED] waives the reading of the charges filed against her, and pleads guilty to all four of the charges filed by the Provost.

4. If the Tribunal convicts Ms. M [REDACTED] on any one of charges #1 - #3, the Provost will withdraw charge #4.

5. A copy of Ms. M [REDACTED]'s academic record, dated July 18, 2013, is found in the JBD at Tab 3. At all material times, Ms. M [REDACTED] was a student member of the University of Toronto Mississauga, within the meaning of the Code. Ms. M [REDACTED] acknowledges that the University Tribunal has jurisdiction over her and that the Code.

C. Petition filed in November 2011

6. In September 2011, Mr. M [REDACTED] enrolled in PSY 280. A copy of the syllabus for PSY 280 is included in the JBD at Tab 4.

7. In November 2011, Ms. M [REDACTED] petitioned the Department of Psychology for academic accommodation for a test she missed on November 18, 2011. The test Ms. M [REDACTED] missed was worth 23% of the final grade in PSY 280.

8. In support of this petition, Ms. M [REDACTED] submitted a University of Toronto Student Medical Certificate, which was purportedly signed by Dr. Nafissa Aptikar on November 18, 2011 ("November 18 Certificate"). A copy of the November 18 Certificate is included in the JBD at Tab 5.

9. The University accepted the November 18 Certificate without confirming its authenticity, and granted Ms. M [REDACTED]'s petition for academic accommodation.

10. Ms. M [REDACTED] admits that she knowingly forged and falsified the November 18 Certificate, and circulated it to support her request for academic accommodation. Ms. M [REDACTED] admits that Dr. Aptikar neither prepared nor signed the November 18 Certificate.

D. Petition filed in February 2012

11. In January 2012, Ms. M [REDACTED] enrolled in PSY 252. A copy of the syllabus for PSY 252 is included in the JBD at Tab 6.

12. In February 2012, Ms. M [REDACTED] petitioned the Department of Psychology for academic accommodation for a test that she missed on February 3, 2012. The test Ms. M [REDACTED] missed was worth 28% of the grade in PSY 252.

13. In support of this petition, Ms. M [REDACTED] submitted a University of Toronto Student Medical Certificate, which was purportedly signed by Dr. Nafissa Aptikar on February 3, 2012 ("February 3 Certificate"). A copy of the February 3 Certificate is included in the JBD at Tab 7.

14. The University accepted the February 3, Certificate without confirming its authenticity and granted Ms. M [REDACTED]'s petition for academic accommodation.

15. Ms. M [REDACTED] admits that she knowingly forged and falsified the February 3 Certificate, and circulated it to obtain an academic advantage. She admits that Dr. Aptikar neither prepared nor signed the February 3 Certificate.

E. Petition filed in June 2012

16. In May 2012, Ms. M [REDACTED] enrolled in PSY 321. A copy of the course syllabus for PSY 321 is included in the JBD at Tab 8.

17. In June 2012, Ms. M [REDACTED] petitioned the Department of Psychology for academic accommodation in PSY 321. Ms. M [REDACTED] had not handed in an assignment due on or about June 20, 2012, and which was worth 25% of the final grade in PSY 321.

18. In support of her petition, Ms. M [REDACTED] submitted a University of Toronto Student Medical Certificate dated June 20, 2012, which was purportedly prepared and signed by Dr. Joanne Dunstall ("June 20 Certificate"). A copy of the June 20 Certificate is included in the JBD at Tab 9.

19. Ms. M [REDACTED] admits that she knowingly forged and falsified the June 20 certificate and circulated it to obtain an academic advantage. Ms. M [REDACTED] admits that Dr. Dunstall did not prepare or sign the certificate.

F. General Admissions

20. Ms. M [REDACTED] admits that she knowingly circulated all of the false information and the forged or falsified documents to the University:

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

21. On October 9, 2012, Ms. M [REDACTED] met with Professor Scott Graham, Dean's Designate for Academic Integrity, to discuss the allegations that she had violated the Code. During this meeting, Ms. M [REDACTED] admitted that she had committed the academic offences described above.

22. Ms. M [REDACTED] acknowledges that she is signing this ASF freely and voluntarily, with the benefit of legal counsel, and knowing the potential consequences she faces. Ms. M [REDACTED] acknowledges that the Provost has provided her with no assurances regarding what sanction the Provost may request the Tribunal to impose in this case.

Signed on August , 2013.

[REDACTED]

S [REDACTED] M [REDACTED]

Signed on August 16, 2013.



Robert A. Centa
Assistant Discipline Counsel
University of Toronto

NO. 1

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO

ASF

[REDACTED]
.....
This Exhibit is produced by
the UNIVERSITY
this 19 day of AUGUST, 2013....



APPENDIX B

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on December 5, 2012,

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 am. S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

S [REDACTED] M [REDACTED] ([REDACTED])

JOINT SUBMISSION ON PENALTY

1. The Provost of the University of Toronto ("Provost") and Ms. M [REDACTED] submit that the appropriate penalty in all of the circumstances of this case is that the Tribunal:

- (a) assign a final grade of zero for each of: PSY 280, PSY 252 and PSY 321;
- (b) suspend Ms. M [REDACTED] from the University from the date of the order of the Tribunal until May 31, 2018; and
- (c) place a notation on her academic record and transcript for a period of five years from the date of the order.

2. The Provost and Ms. M [REDACTED] submit that the Tribunal should report this case to the Provost to publish a notice of Tribunal's decision and the sanctions imposed with the student's name withheld.

3. Ms. M [REDACTED] acknowledges that the Provost 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 August , 2013.

[REDACTED]
S M [REDACTED]

Signed in Toronto on August 16, 2013.


Robert A. Centa
Assistant Discipline Counsel
University of Toronto

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NO. 4

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO
AND

.. [REDACTED]
This Exhibit is produced by
the UNIVERSITY
this 19 day of AUGUST, 2013...
..... X. [REDACTED]

APPENDIX C

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on December 5, 2012,

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 am.

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

S [REDACTED] M [REDACTED] ([REDACTED])

ORDER

On August 19, 2013, after reading the agreed statement of facts, the joint book of documents, the agreed statement of facts on penalty, the joint submission on penalty, and hearing any other evidence called, and hearing submissions by discipline counsel and the representative of the student, the University Tribunal orders:

1. **THAT** Ms. M [REDACTED] is found guilty of three counts of the academic offence of forging or falsifying a document required by the University of Toronto, or circulating such a document, contrary to section B.I.1(a) of the Code of Behaviour on Academic Matters;
2. **THAT** the following sanctions shall be imposed on Ms. M [REDACTED]:
 - (a) she shall receive a final grade of zero in each of the courses PSY 280, PSY 252 and PSY 321;

(b) she shall be suspended from the University from the date of this order until May 31, 2018; and

(c) that a notation be placed on her academic record and transcript for a period of five years from the date of this order;

3. **THAT** this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the name of the student withheld.

All of which is ordered on August 19, 2013,

A handwritten signature in dark ink, appearing to read "Dena Varah", is written over a horizontal line.

Ms. Dena Varah, Chair

A handwritten signature in dark ink, appearing to read "Joel Kirsh", is written over a horizontal line.

Dr. Joel Kirsh, Faculty Panel Member

A handwritten signature in dark ink, appearing to read "Saneea Tanvir", is written over a horizontal line.

Ms. Saneea Tanvir, Student Panel Member