

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on January 7, 2016,

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

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

M [REDACTED] A [REDACTED]

REASONS FOR DECISION

Hearing Date: April 25, 2016

Members of the Panel:

Mr. Paul Morrison, Chair

Professor Markus Bussmann, Faculty Panel Member

Mr. Jeffery Couse, Student Panel Member

Appearances:

Mr. Rob Centa, Assistant Discipline Counsel, Paliare Roland LLP

Ms. Luisa Ritacca, Counsel for the Student, Stockwoods Barristers

Ms. Kasha Visutskie, Academic Integrity Officer, Office Student Academic Integrity (OSAI), Faculty of Arts & Science

In Attendance:

Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances, Office of the Governing Council

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

1. A Hearing of the Trial Division of the University Tribunal was convened on April 25, 2016, to consider charges against M■■■■ A■■■■.

THE CHARGES

2. Ms. A■■■■ (the “Student”) was charged as follows:

A. MAT 133

(i) On or about August 13, 2015, you knowingly had someone personate you at the final examination in MAT133Y1Y (20155) (the “Course”), contrary to section B.I.1(c) of the Code.

(ii) On October 20, 2015, 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 by knowingly having someone personate you at a meeting with Prof. Donald N. Dewees, the Dean’s Designate for Academic Integrity in the Faculty of Arts and Science, to discuss the allegation that you had someone personate you during the final examination in the Course, contrary to section B.I.3(b) of the Code.

B. POL 208

(i) On or about October 28, 2015, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in an essay entitled “What is Power in IR? (liberalism),” (the “Essay”) which you submitted for academic credit in POL208 (the “Course”), contrary to section B.I.1(d) of the Code.

(ii) In the alternative, on or about October 28, 2015, 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 in connection with the Essay, which you submitted for academic credit in the Course, contrary to section B.I.3(b) of the Code.

3. For purposes of the Hearing, the University proceeded with respect to the charges in section A above. The charges with respect to section B above were otherwise disposed of.

AGREED STATEMENT OF FACTS

4. The Hearing proceeded on the basis of an Agreed Statement of Facts which was marked as Exhibit 1 at the Hearing.

5. In the Agreed Statement, the Student admitted that on or about August 13, 2015, she hired “Casey” to personate her and to write the final examination test in MAT133 for her. The Student paid Casey \$500.00 to write the examination, which received a mark of 90/100.

6. In the Agreed Statement, the Student further admitted that she was scheduled to meet with the Dean’s Designate for Academic Integrity in the Faculty of Arts and Sciences in order to discuss the allegations of personation with respect to MAT133. She further admitted that she did not attend the Meeting, but rather engaged Casey to personate her at the Meeting, which Casey did. The Student

admitted that she engaged Casey for this purpose in an attempt to obtain an academic advantage, i.e., to avoid an academic penalty that otherwise might have been imposed upon her.

7. On the basis of these admissions, the Tribunal entered a finding of Guilty with respect to the charges A(i) and A(ii) set out above.

PENALTY

8. The University and the Student filed with the Tribunal a Joint Submission on Penalty, which was entered as Exhibit 3.

9. In the Joint Submission, the University and the Student jointly submitted that the Tribunal should impose the following sanctions:

- (a) a final grade of zero in MAT133Y1Y;
- (b) a suspension from the University for a period of 5 years from May 1, 2016 to April 30, 2021; and
- (c) a permanent notation of the sanction on her academic record and transcript.

10. In the Joint Submission, the Student also agreed to withdraw voluntarily from the University and not to reapply in the future.

11. The Tribunal heard submissions as to penalty from counsel for the University and counsel for the Student. The submissions emphasized the Student's candor in admitting the allegation of personation and that she had fully cooperated with the University, including with respect to her pleas of Guilty, the Agreed Statement of Facts and the Joint Submission as to Penalty. It was also pointed out that the Student is from Kazakhstan and that she was 18 years of age at the time of the offence. The Tribunal was also apprised as to the possible negative ramifications of these proceedings on her immigration status in Canada.

12. The Tribunal retired to consider its decision on penalty.

13. The Tribunal was prepared to accept the Joint Submission with respect to the imposition of a final grade of zero in the subject course, and a suspension from the University for 5 years beginning May 1, 2016.

14. The Tribunal was not prepared to accept a permanent notation of the sanction on the Student's academic record and transcript. In light of the Student's agreement to withdraw voluntarily from the University and not to reapply in the future, the Tribunal was concerned that a permanent notation of the sanction would have the effect that the penalty would approximate expulsion from the University. The Tribunal considered that a sanction with this effect was too severe in the circumstances. Accordingly, the Tribunal instead ordered that the sanction be recorded on her academic record and transcript for a period of 5 years beginning May 1, 2016.

ORDER

15. The Tribunal issued the following Order:

1. **THAT** Ms. A [REDACTED] is guilty of one count of the academic offence of personation, contrary to section B.I.1(c), and one count of academic dishonesty, contrary to s. B.I.3(b) of the *Code of Behavior on Academic Matters*;
2. **THAT** the following sanctions shall be imposed on Ms. A [REDACTED]:
 - (a) she shall receive a final grade of zero in the course MAT133Y1Y;
 - (b) she be suspended from the University for 5 years from May 1, 2016 to April 30, 2021; and
 - (c) the sanction be recorded on her academic record and transcript from May 1, 2016 until April 30, 2021;
3. **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, with the name of the student withheld.

Dated at Toronto this 31st day of August, 2016.



F. Paul Morrison, Chair