

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on April 25, 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

BETWEEN:

UNIVERSITY OF TORONTO

- and -

M [REDACTED] R [REDACTED]

REASONS FOR DECISION

Hearing Date: January 13, 2017

Members of the Panel:

Ms. Sara Zborovski, Barrister and Solicitor, Chair
Professor Pascal Riendeau, Faculty Panel Member
Mr. Chad Jankowski, Student Panel Member

Appearances:

Mr. Rob Centa, Assistant Discipline Counsel, Paliare Roland, Barristers
Ms. Emily Home, Articling Student, Paliare Roland, Barristers
Mr. Alex Redinger, Law Student for the Student, Downtown Legal Services

In Attendance:

Ms. Krista Osbourne, Administrative Assistant, Office of the Appeals, Discipline and Faculty Grievances

Not in Attendance:

Mr. M [REDACTED] R [REDACTED]

A. Charges and Hearing

1. This panel of the University Tribunal held a hearing on January 13, 2017 to consider the charges brought by the University of Toronto against M [REDACTED] R [REDACTED] (the "**Student**") under the Code of Behaviour on Academic Matters, 1995 (the "**Code**").

2. The Charges and Particulars were detailed in a letter dated April 25, 2016, and are set out below:

- i. On March 4, 2016, you knowingly falsified evidence required by the University of Toronto ("**University**"), namely, you wrote a false name and student number on your examination booklet during the mid-term examination in ECE318H1 (the "**Course**"), or you knowingly uttered, circulated or made use of that forged, altered or falsified evidence, contrary to section B.I.1(a) of the Code.
- ii. In the alternative, on March 4, 2016, you knowingly forged or in any other way altered or falsified an academic record, namely, your examination booklet for the mid-term examination in the Course, or you knowingly uttered, circulated or made use of that forged, altered or falsified academic record, contrary to section B.I.3(a) of the Code.
- iii. In the further alternative, on or about March 4, 2016, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind, by writing a false name and student number on your examination booklet during the mid-term examination in the Course, contrary to section B.I.3(b) of the Code.

B Particulars

- iv. At all material times you were a student in the Faculty of Applied Science and Engineering at the University of Toronto and were registered in the Course, which was taught by Prof. Peter Herman.
 - v. On March 4, a mid-term examination worth 20% of the final grade was held in the Course.
 - vi. You attended the mid-term examination. You knowingly wrote "Ryan Meharib 100384986" on the cover of your examination booklet instead of your own name and student number. You then submitted the examination booklet with the incorrect name and student number on the cover of the book.
 - vii. You knowingly submitted the examination booklet to be graded in an attempt to obtain an academic advantage.
- 3. The Student is enrolled in the Faculty of Applied Science and Engineering.
 - 4. The Student did not attend the hearing but was represented by Mr. Redinger of Downtown Legal Services.

C. Agreed Statement of Facts and Guilty Plea

- 5. Ms. Lie and Mr. Redinger advised that the University and the Student had agreed to a statement of facts ("**ASF**"), which they provided to the Tribunal, along with a joint book of documents ("**JBD**").
- 6. In the ASF, the Student pled guilty to charges 1, 2 and 3.
- 7. In the Winter 2016 semester, the Student enrolled in the Course taught by Prof. Peter Herman.

8. On March 3, 2016, a midterm examination worth 20% of the final grade was held in the Course.

9. The Student attended the midterm examination. The Student signed in and presented the Student's student identification card in advance of writing the midterm. A copy of the sign-in sheet bearing the Student's signature was included in the JBD at Tab 1.

10. The first page of the midterm examination booklet had a space for students to write their name and student number. Instead of writing the Student's own name and student number, the Student wrote "Ryan Meharib 100384986" on the first page of the examination booklet. At the completion of the examination, the Student then submitted the examination booklet with the incorrect name and student number on the cover. A copy of the midterm examination booklet submitted by the Student was included in the JBD at Tab 5.

11. The Student admitted that, by submitting the examination booklet bearing the fictitious name and student number, the Student:

- i. Knowingly falsified evidence required by the University of Toronto, and knowingly circulated or made use of that falsified evidence, contrary to section B.I.1(a) of the Code;
- ii. Knowingly falsified an academic record and knowingly circulated and made use of that academic record, contrary to s. B.I.3(a) of the Code; and
- iii. Engaged in a form of cheating, academic dishonesty or misconduct, or made a misrepresentation in order to obtain an academic advantage, contrary to section B.I.3(b).

12. After reviewing the ASF and JBD, the Tribunal deliberated. The Tribunal then advised the parties that it had accepted the ASF, and that based on them, it was satisfied that on a balance of probabilities the elements of charges 1, 2 and 3 had been proven.

13. The Tribunal accepted the Student's guilty pleas to the three charges.

D. Penalty

14. The matter continued with a hearing on the appropriate sanction. Ms. Lie and Mr. Redinger advised that the University and the Student had agreed to a joint submission on penalty (“JSP”), which they provided to the Tribunal.

15. In the JSP, the University and the Student submit that, in all the circumstances of the case, the Tribunal should impose the following sanctions on the Student:

- i. a final grade of zero in ECE 318H1 (Winter 2016);
- ii. a suspension from the University for three years from January 1, 2017 to January 1, 2020; and
- iii. a notation of the sanction on the Student’s academic record and transcript for four years from the day the Tribunal makes its order.

16. The Tribunal heard that the Student has been sanctioned for two prior academic offences, each of which resulted in a grade of zero: in the first case, a grade of zero on an assignment, and in the second case, a grade of zero in a course.

17. The Tribunal considered the JSP in light of the following considerations for sentencing:

- i. The character of the person charged;
- ii. The likelihood of the repetition of the offence;
- iii. The nature of the offence committed;
- iv. Any extenuating circumstances surrounding the commission of the offence;
- v. The detriment to the University occasioned by the offence; and
- vi. The need to deter others from committing a similar offence.

18. While a panel is neither required nor obliged to accept a joint submission on penalty, the Panel was cognizant that such submissions should only be rejected in limited circumstances, where the proposed penalty is unreasonable, unconscionable, or would bring the administration of justice into disrepute. (*The University of Toronto v. J.P.*, January 26, 2017, Case No. 781 at para. 17)

19. The Tribunal deliberated and concluded that accepting the JSP would not bring the administration of justice into disrepute, and that the sanction proposed in the JSP was appropriate in the present circumstances.

E. Conclusion


20. The Tribunal orders that the Student is guilty of the academic offence of falsifying evidence, contrary to section B.I.1(a) of the Code.

21. The Tribunal orders that the following sanctions be imposed on the Student:

- i. a final grade of zero in the course ECE 318H1 (Winter 2016);
- ii. a suspension from the University for three years from January 1, 2017, to January 1, 2020; and
- iii. a notation of the sanction on the Student's academic record and transcript for four years from the day the Tribunal makes its order.

22. The Tribunal also ordered that the case be reported to the Provost for publication of a notice of this decision and the sanctions imposed, with the name of the Student withheld.

Dated at Toronto this 3rd day of April 2017



 Ms. Sara Zborovski, Co-Chair