

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on April 29, 2009;

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

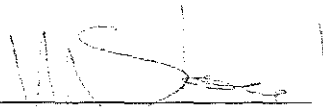
- and -

P [REDACTED] D [REDACTED]

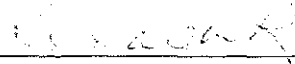
FINDINGS OF THE TRIBUNAL FOLLOWING
A GUILTY PLEA BY P [REDACTED] D [REDACTED]

1. The University and P [REDACTED] D [REDACTED] entered into an Agreed Statement of Facts and filed that Agreed Statement of Facts and a Joint Book of Documents at the opening of the hearing. Ms. D [REDACTED] entered a plea of guilty to Charges 1 and 6 set out in the Notice of Hearing attached as Tab 2 to the Joint book of Documents.
2. Following a review of Agreed Statement of Facts and the Joint Book of Documents, and after the hearing the submissions of counsel, this Tribunal was satisfied that Ms. D [REDACTED] had committed the offences in Charges 1 and 6 of the Notice of Hearing. The Tribunal accepted the guilty plea and made a finding that Ms. D [REDACTED] was guilty of the charges of academic misconduct contained in Charges 1 and 6.
3. The Tribunal then heard submissions on penalty and gave separate oral Reasons dealing with that aspect of this matter.

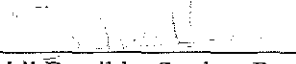
DATED September 28, 2009



Ronald G. Slaght, Chair



Lesley Ann Lavack, Faculty Panel Member



Sybil Derrible, Student Panel Member

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on April 29, 2009;

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BETWEEN:

THE UNIVERSITY OF TORONTO

- and -

P [REDACTED] D [REDACTED]

Members of the Panel:

- Mr. Ronald Slaght, Chair
- Professor Lesley Lavak, Faculty Panel Member
- Mr. Sybil J. Derrible, Student Panel Member

Appearances:

- Ms. Lily Harmer, Assistant Discipline Counsel, for the University
- Ms. Marian MacGregor, Clinic Director, Community Legal Aid Services Program (CLASP), for the Student
- Ms. Phanny Im, Legal Case Worker, Community Legal Aid Services Program (CLASP), for the Student

In Attendance:

- Ms. P [REDACTED] D [REDACTED], the Student
- Ms. Lucy Gaspini, Academic Affairs Officer, Office of the Dean University of Toronto Mississauga
- Professor Scott Graham, Dean's Designate for Academic Offences at the University of Toronto, Mississauga

**Transcription of Oral Reasons On Sanction Delivered by the Chair at the
Conclusion of the Hearing**

- [1] With some considerable reluctance, the Panel has decided it will accept the joint recommendation of the University and your counsel to impose this sanction which is essentially a three-year suspension, but in doing so, we want you to know that while this was an unusual case, it was in no way, shape, or form an insignificant one or small one or a minor matter. We see it as a major matter.
- [2] We see your conduct in the course of many years to be nothing less than deliberate acts of dishonesty, forgery, and a continued failure to recognize what you have done. Not only that, but your acts embroiled a fellow student in acts of academic dishonesty himself, which had to be sorted out and who knew how that would turn out. We noted that this has been going on since the year 2007 for him, and that as late as March 2009 you made no admission that you had done anything wrong.
- [3] You have ambitions to go to law school and we want you to know that the university expects integrity and honesty from students in all things, and that you did not display that standard of conduct during this long period of time.
- [4] So we are concerned and remain concerned, but as was pointed out to us, we have a limited ability to overturn an agreed submission on penalty. And in this case, we were not persuaded in the end that agreeing with the joint submission would bring the administration of this tribunal into disrepute, which is the test that we would have had to meet. But it's a close call, I can tell you. So you should consider yourself fortunate.
- [5] And we took into account in reaching our decision the character references which we put some weight on. These are people who have known you for many years, and certainly attest to your good qualities. Other important considerations were that we think your apology was sincere and that you are getting some counselling and that your family is now inside the tent and can provide you with direction and the help that I think you will need.
- [6] On a more technical side, our being here tonight with an agreed statement of facts and a plea from you did save the university and other people including Mr. K [REDACTED] what would have been a lengthy and difficult hearing. We now know that Mr. K [REDACTED] is not going to face charges, and that was a factor.
- [7] In this particular case, we put some emphasis on the fact that Ms. Harmer was prepared to make this recommendation on behalf of the university.
- [8] So we will impose the sanction that is provided for in Exhibit 2.

- 1) The Student shall be suspended from the university for that two-year period, starting tomorrow, September 29, 2009.
- 2) There will be a notation on the Student's record and transcript until the Student graduates, which will be sooner than the three years in the second element of it.
- 3) The Tribunal shall report the case to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed in the University newspapers with the name of the student withheld.

[9] When you pursue your next academic endeavours and your endeavours in life, please keep this lesson in mind, because I think you have been given every advantage by your counsel, the university, and by this tribunal.

I certify that this is the decision of the Panel

October 7/09
Date

W. Slaght
Ronald Slaght, Q.C. (Chair)

University of Toronto and

THE UNIVERSITY TRIBUNAL
 (UNIVERSITY OF TORONTO)

P. AND
D.

Agreed Statement of Facts

This Exhibit is produced by

1. For the purposes of this hearing under the ~~Code of Behaviour on Academic~~ ^{the UNIVERSITY} ~~Matters ("Code")~~, the University of Toronto (the "University") and P. D. have this 28 day of SEPTEMBER, 2009.. prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD").

The University and P. D. agree that:

- a. they consent to the admission into evidence of each document contained in the JBD for all purposes, including for the truth of its 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, unless the facts set out below indicate otherwise.
2. On August 27, 2009, the University delivered a Notice of Hearing in this matter. This Notice of Hearing is found at Tab 1 of the JBD.
 3. The Notice of Hearing arises out of charges of academic misconduct filed by the Provost under the *Code*. A copy of the Charges is found in the JBD at Tab 2.
 4. P. D. admits that she is guilty of academic misconduct as set out in Charges 1 and 6.
 5. In Fall 2005 P. D. registered at the University of Toronto, New College, in the Faculty of Arts & Science. As of September 22, 2009, she had accumulated 20.5

credits with a CGPA of 2.84, and had completed all of the program requirements to graduate with a Bachelor of Arts. A copy of P█████ D█████'s academic record dated September 22, 2009 is found in the JBD at Tab 3.

6. In November 2005 Ms. D█████ began dating P█████ R█████ K█████, a student at the University of Toronto Mississauga. In or around October, 2006, Ms. D█████ and Mr. K█████ broke up. Their relationship was on again off again until late winter/early spring of 2007; however, they were still in communication after their final break-up.

7. In October, 2006, Ms. D█████ told Mr. K█████ that she was sick, and had been sick for a number of years. She further told him that she did not want anyone to know about her illness, not even her family, that he was the only person she had ever told about it, and that he was not to tell anyone. She further told him that she was undergoing tests to determine a diagnosis. An email exchange between Ms. D█████ and Mr. K█████ on October 24, 2006 concerning these issues is found in the JBD at Tab 4.

8. On or about November 9, 2006, Ms. D█████ told Mr. K█████ that she had been diagnosed with ovarian cancer. She further told him not to tell anyone about her illness, as she wanted to keep it a secret from everyone, including her friends and family. She told Mr. K█████ that he would be her sole support in helping her to deal with her fight with cancer.

9. Ms. D█████ wrote and gave to Mr. K█████ a letter dated November 8, 2006 which she told him was from her family doctor, Dr. Janette Milne ("November 8, 2006 Letter"). This letter had the name Janet Milne PhD typewritten at the bottom, and stated that Ms.

D[REDACTED] was ill with cancer, that she would be undergoing further tests, and that she needed to tell someone about her medical situation to obtain personal support during the treatment process. It further stated that she may be entering chemotherapy in November 2006. A copy of the November 8, 2006 Letter is found in the JBD at Tab 5.

10. Shortly thereafter Ms. D[REDACTED] gave to Mr. K[REDACTED] a series of letters she had written to him, in which she referenced, among other things, the impact of a cancer diagnosis on her outlook on life, her concerns about the future, and her love for Mr. K[REDACTED]. In particular she suggested a number of times that she did not have a long future to look forward to, and once stated that she was dying. An email from Mr. K[REDACTED] to Ms. D[REDACTED] dated November 13, 2006 summarizing some of the contents of these letters is found in the JBD at Tab 6.

11. Ms. D[REDACTED] wanted to persuade Mr. K[REDACTED] that she was seriously ill with cancer. Her motive for doing so was an effort to save a failing relationship. She believed that if she convinced Mr. K[REDACTED] that she was ill, he would continue to be her boyfriend and they would rebuild their relationship.

12. Mr. K[REDACTED] told Ms. D[REDACTED] that he was very worried about her health and that the resulting stress was impacting on his school work. He told her that he was considering asking for relief from his course instructors in the form of a deferral of his end of term deadlines for course work.

13. On December 3, 2006, Mr. K[REDACTED] submitted the November 8, 2006 Letter to four of his course instructors, to support the following requests:

- a. to Professor Todd Sanders on November 22, 2006 for a two week extension for submission of an essay worth 10% of the course mark, originally due November 29 in ANT360. A copy of Mr. K█████'s email request to and subsequent email exchange with Todd Sanders from November 22 to December 8, 2006 is found in the JBD at Tab 7.
- b. to Professor Heather Miller in ANT316 on November 22, 2006 for relief from a December 1 deadline for submission of a web poster worth 25% of the course mark. Professor Miller agreed to an extension until December 16, 2006. A copy of the emails exchanged between Mr. K█████ and Professor Miller between November 22 and December 8, 2006 is found in the JBD at Tab 8.
- c. to Professor Shyon Baumann in SOC284 on November 23, 2006 for deferral of the final test in the course, worth 25% of the course mark. Professor Baumann agreed to defer the test from December 4 to December 8, 2006. A copy of the emails exchanged between Mr. K█████ and Professor Baumann between November 23 and December 3, 2006 is found in the JBD at Tab 9.
- d. initially to Professor Brownfield on November 23 and again on November 28 which was unanswered, with a follow-up request to Diane Bartlett, the course teaching assistant in SOC211, for an extension of 2 weeks on an essay worth 40% of the course mark due December 8, 2006. A copy of

the emails exchanged between Mr. K [REDACTED] and Diane Bartlett is found in the JBD at Tab 10.

14. Ms. D [REDACTED] states that she did not give Mr. K [REDACTED] the November 8, 2006 Letter for the purpose of submitting it to the University, and that she only became aware that he had done so after the fact when he asked her to provide him with additional medical documentation as discussed in paragraph 17 below.

15. After learning that the November 8, 2006 Letter had been submitted by Mr. K [REDACTED] to the University, Ms. D [REDACTED] did not tell Mr. K [REDACTED] that she had fabricated the November 8, 2006 Letter, nor did she tell anyone else.

16. Ms. D [REDACTED] further states that at the time (early December 2006) she was only aware that the November 8, 2006 Letter had been submitted to Todd Sanders for ANT360; she became aware much later that he had also submitted it to his course instructors in ANT316, SOC284 and SOC211.

17. After receiving the November 8, 2006 Letter from Mr. K [REDACTED], Todd Sanders and Heather Miller requested that Mr. K [REDACTED] provide additional medical documentation. Mr. K [REDACTED] therefore asked Ms. D [REDACTED] for another more formal document from Dr. Milne. Ms. D [REDACTED] agreed to help Mr. K [REDACTED] by obtaining the requested additional medical documentation, knowing at that time that he intended to submit it to the University as additional supporting medical documentation.

18. Ms. D [REDACTED] complied with Mr. K [REDACTED]'s request by aiding and assisting him in obtaining a note on the letterhead of Dr. Janette Milne dated December 5, 2006

(December 5, 2006 Note"). Ms. D[REDACTED] was aware that Mr. K[REDACTED] intended to submit the December 5, 2006 Note to Todd Sanders for ANT360, and became aware some time later that he had also submitted it to Heather Miller for ANT316. This note, which contained Dr. Janet Milne's signature, stated that Ms. D[REDACTED] was extremely ill, that she required support from a peer as her family had not been made aware of her illness, and that Ms. D[REDACTED]'s condition was confidential. A copy of the December 5, 2006 Note is found in the JBD at Tab 11.

19. Ms. D[REDACTED] was aware that Mr. K[REDACTED] intended to request an extension in his course work because of his belief that she was suffering from a serious medical condition. She was aware that he believed the contents of the November 8, 2006 Letter to be true. She did not disabuse him of this belief. She admits that she ought to have known that there was a strong likelihood that he would use this letter in support of his requests for extensions to his course deadlines.

20. Ms. D[REDACTED] states that she did not tell Mr. K[REDACTED] the truth because she wanted to maintain the relationship, which became her singular focus, and she did not at the time appreciate the seriousness of the consequences to herself, to Mr. K[REDACTED], or to the University. She further states that she convinced herself that somehow the matter would resolve itself and that she could maintain their relationship in spite of it.

21. Ms. D[REDACTED] was not ill with cancer or any other serious physical disease in November, 2006 or thereafter.

22. Todd Sanders confirmed with Dr. Janette Milne that neither the November 8, 2006 Letter nor the December 5, 2006 Note (collectively the "Doctors Notes") were written by her. Despite knowing this, and despite knowing that as a consequence Mr. K█████ was facing allegations of academic misconduct, Ms. D█████ continued to mislead R█████ K█████ into believing that she had cancer which required medical treatment. She further misled him into thinking that the information contained in the Doctors Notes was true, and that Dr. Milne was not telling the truth.

23. Ms. D█████ further assisted Mr. K█████ to prepare to attend two meetings with the dean's designate under section C.I.(a).5. of the *Code of Behaviour on Academic Matters* by providing him with documents to support his belief that she was suffering from cancer, including additional medical documentation about her medical status. A copy of an email from P█████ D█████ to R█████ K█████ dated April 2, 2007, together with the related supporting documents, is found at Tab 12 of the JBD. Another email from P█████ D█████ to R█████ K█████ dated April 4, 2007 at 12:20 p.m is found in the JBD at Tab 13.

24. Mr. K█████ attended a first dean's meeting on April 4, 2007 at 2:00 p.m., to address allegations that he submitted the Doctors Notes in order to seek academic consideration for term work not yet submitted in ANT360. Mr. K█████ used the information provided to him by Ms. D█████ to defend himself, and to support his assertion that Ms. D█████ was and had been sick. Ms. D█████ continued to tell Mr. K█████ and believes that at this time he continued to believe, that she was seriously ill with cancer, and she actively supplied him with information to support that belief.

25. In preparation for a second dean's meeting on September 27, 2007, to address allegations that he submitted the Doctor's Notes in ANT316, SOC211 and SOC284, Mr. K█████ asked Ms. D█████ for proof that she was sick at the relevant time. Emails exchanged between Mr. K█████ and Ms. D█████ on September 14, 2007 in which they discussed the assistance she could give him are found in the JBD at Tab 14.

26. In or about October or November 2007 Mr. K█████ doubted Ms. D█████'s story that she had cancer. To convince him that she did, Ms. D█████ provided to Mr. K█████ a letter dated September 20, 2007, again from a Dr. Howard Wu stating that Ms. D█████ had a diagnosis of ovarian cancer and Lupus. This letter purporting to be from Dr. Wu is found in the JBD at Tab 15.

27. During the period from December 18, 2006 to March 27, 2009, Ms. D█████ was in periodic communication with Sally Walker, Assistant Principal and Registrar at New College, regarding her personal issues. Initially she told Ms. Walker that her boyfriend R█████ K█████ had been wrongly accused of an academic offence, and that she had ovarian cancer. From time to time she continued to discuss these issues with Ms. Walker, maintaining the story that she had been diagnosed with cancer and that she was undergoing treatment. She also attempted to persuade Ms. Walker that R█████ K█████ had been wrongly accused and to obtain her assistance for him.

28. On March 24, 2009 Ms. D█████ attended a lengthy dean's meeting to discuss allegations of academic misconduct against her in connection with the information and assistance she provided to Mr. K█████. She made no admission of responsibility at this meeting.

29. Ms. D [REDACTED] admits that :

a. In respect of the November 8, 2006 Letter she knowingly:

1. forged, altered or falsified the November 8, 2006 Letter and provided it to R [REDACTED] K [REDACTED];
2. led R [REDACTED] K [REDACTED] to believe that the contents of the November 9, 2006 Letter were true;
3. ought to have known R [REDACTED] K [REDACTED] would use the letter to submit it to the University for academic advantage;
4. did nothing to stop R [REDACTED] K [REDACTED] from doing so;
5. took no steps to correct the situation once R [REDACTED] K [REDACTED] had submitted the documents.

b. In respect of the December 5, 2006 Note she knowingly forged, altered or falsified the December 5, 2006 Note, and knowingly aided and assisted R [REDACTED] K [REDACTED] to submit it to the University to support his request for extensions to the deadlines for submission of his course work in ANT360 and ANT316;

c. She knowingly provided false information to P [REDACTED] R [REDACTED] K [REDACTED] concerning a serious medical condition which she claimed to suffer from, but did not;

- d. she knowingly continued to provide further false information to him and to the University to perpetuate her story as believed by Mr. K [REDACTED] that she suffered from cancer and that the contents of the Doctors Notes were true;
- e. She knowingly implicated Mr. K [REDACTED] in serious allegations of academic misconduct concerning submission of the Doctors Notes, and exacerbated the impact of the Code proceedings against Mr. K [REDACTED] by continuing to provide him with false information and a false belief in the veracity of her story of suffering from cancer and the authenticity of the Doctors Notes.

30. P [REDACTED] D [REDACTED] therefore pleads guilty to Charges 1 and 6.

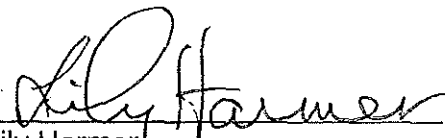
31. P [REDACTED] D [REDACTED] acknowledges that she is represented by counsel and has received legal advice before signing this ASF.

32. P [REDACTED] D [REDACTED] acknowledges that the University has made no promises or representations to her regarding the penalty the University will seek in this matter.

Signed in Toronto on September 28, 2009.

P [REDACTED] D [REDACTED] 

Signed in Toronto on September 28, 2009.


Lily Harmer
Assistant Discipline Counsel
University of Toronto

NO. 2

University of Toronto and

THE UNIVERSITY TRIBUNAL
~~UNIVERSITY~~ OF TORONTO
AND

JOINT SUBMISSION ON PENALTY

.....P.....D.....
This Exhibit is produced by

1. The Provost and Ms. D [REDACTED] submit that the appropriate penalty in all the circumstances of the case is that the University Tribunal:
this 28 day of SEPTEMBER, 2009.

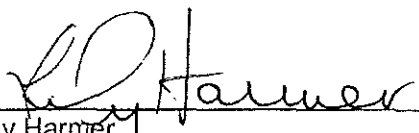
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- a. suspend Ms. D [REDACTED] from the University of Toronto for two years from September 29, 2009 until September 28, 2011;
 - b. impose a notation on her academic record and transcript stating that she has been found to have committed academic offences, such notation to remain on her transcript for three years or until she graduates from the University, whichever occurs first; and
 - c. report this case to the Provost who may publish a notice of the decision of the University Tribunal and the sanctions imposed, with Ms. D [REDACTED]'s name withheld.

2. Ms. D [REDACTED] acknowledges that the University of Toronto 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 September 28, 2009.

P [REDACTED] D [REDACTED]

Signed in Toronto on September 28, 2009.


Lily Harmer
Assistant Discipline Counsel
University of Toronto