

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION**

IN THE MATTER charges of academic dishonesty made on July 19, 2010 and October 5, 2010

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 –

D W AND H L

Hearing Date: November 23, 2010

Members of the Panel:

Mr. Paul Schabas, Barrister and Solicitor, Chair

Professor Nick Cheng, Department of Computer & Mathematical Sciences, Faculty Panel Member

Ms. Elena Kuzmin, Student Panel Member

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Barristers

Mr. Daniel Goldbloom, Law Student, Downtown Legal Services, for Mr. D W

In Attendance:

Professor Eleanor Irwin, Dean's Designate, University of Toronto Scarborough

Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

Not In Attendance:

Mr. D W , the Student

Ms. H ; L , the Student

Preliminary Matters: Notice and Joint Hearing

- [1] The Trial Division of the University Tribunal was convened on November 23, 2010, to consider charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the *Code*) laid against two students by letters dated July 19 and October 5, 2010.
- [2] Mr. W was represented by Daniel Goldbloom, a law student from Downtown Legal Services. Ms. L did not attend, nor was she represented at the hearing. Lily Harmer, Assistant Discipline Counsel, advised the Tribunal that Ms. L was previously represented by CLASP, a student legal aid clinic at Osgoode Hall Law School.
- [3] However, Ms. Harmer introduced an Agreed Statement of Facts, signed by both Mr. W and Ms. L, in which the two students acknowledged that they are married to each other. As part of the Agreed Book of Documents, notices were filed that had been sent to Ms. L advising her of the hearing dates. Further, Mr. Goldbloom confirmed that his client, Mr. W, had taken the Agreed Statement of Facts home and had advised Mr. Goldbloom that it had been executed by his wife, Ms. L. Further, Mr. Goldbloom confirmed that he had also seen other documents showing that Ms. L had received notice, as they were documents that only she could have received. The Agreed Statement of Facts also contained a consent by Ms. L that the matter proceed in her absence.
- [4] Ms. Harmer also reviewed the Notice of Hearing, which informed Ms. L that, if she did not attend, the hearing “may take place without you and you will not be entitled to further notice in the proceeding”. Ms. Harmer also referred the Panel to sections 6 and 7 of the *Statutory Powers Procedure Act*, which permits administrative tribunals to proceed in the absence of a party, provided proper notice has been given.
- [5] In light of the submissions of counsel and their representations, as well as the signed Agreed Statement of Facts before us, together with the admissions, notice and consent to proceed in the absence of Ms. L, the panel was satisfied that Ms. L was properly notified of the hearing and permitted the hearing to proceed.
- [6] A further preliminary matter related to whether the two cases could be heard together. Ms. Harmer noted that Mr. W and Ms. L consented to the matter being heard together in paragraph 5 of the Agreed Statement of Facts. She also drew our attention to section 9.1 of the SPPA which also permitted the matters

to be heard together, with consent of the parties. Accordingly, the panel was satisfied that the two cases should proceed together.

The Charges

[7] Mr. W. faced five charges arising from events on December 4, 2009 ("the first W. charges"), as follows:

1. On or about December 4, 2009, you knowingly personated H. L. at the deferred final examination in ECMC92 (the "Final Examination" and the "Course"), contrary to section B.I.1(c) of the Code.
2. On or about December 4, 2009, you knowingly forged, or in any other way altered or falsified a document or evidence required by the University, or uttered, circulated or made use of any such forged, altered or falsified document, namely what purported to be a province of Ontario driver's licence bearing the name H. L. at the Final Examination, contrary to section B.I.1(a) of the Code.
3. On or about December 4, 2009, you uttered, circulated or made use of any such forged, altered or falsified document, namely what purported to be a province of Ontario driver's licence bearing the name H. L., in order to obtain a University of Toronto student card in her name, contrary to section B.I.1(a) of the Code.
4. On or about December 4, 2009, you knowingly forged, or in any other way altered or falsified a document or evidence required by the University, or uttered, circulated or made use of any such forged, altered or falsified document, namely what purported to be a University of Toronto student card bearing the name H. L. at the Final Examination, contrary to section B.I.1(a) of the Code.
5. In the alternative to each of the charges above, on or about December 4, 2009, 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 Final Examination, contrary to section B.I.3(b) of the Code.

[8] Subsequently, Mr. W. was charged with nine additional counts of academic misconduct arising from incidents in April and December, 2009 ("the second W. charges"), as follows:

1. On or about April 16, 2009, you knowingly personated H L at the final examination in ECMC62H3, contrary to section B.I.1(c) of the Code.
2. On or about April 20, 2009, you knowingly had another person, H L , personate you at the final examination in GGRC46H3, contrary to section B.I.1(c) of the Code.
3. On or about April 20, 2009, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance and/or abetted, counselled, procured or conspired with H L to use or possess an unauthorized aid or aids or obtain unauthorized assistance in the final examination in GGRC46H3, contrary to section B.I.1(b) of the Code.
4. On or about April 20, 2009, you knowingly represented as your own any idea or expression of an idea or work of another and/or abetted, counselled, procured or conspired with H L to represent as your own any idea or expression of an idea or work on another in the final examination in GGRC46H3, contrary to section B.I.1(d) of the Code.
5. On or about April 23, 2009, you knowingly personated H L at the final examination in ECMB05H3, contrary to section B.I.1(c) of the Code.
6. On or about December 14, 2009, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in the final examination in IDSB05H3, contrary to section B.I.1(b) of the Code.
7. On or about December 15, 2009, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in the final examination in POLB90H3, contrary to section B.I.1(b) of the Code.
8. On or about December 15, 2009, you knowingly represented as your own any idea or expression of an idea or work of another in the final examination in POLB90H3, contrary to section B.I.1(d) of the Code.
9. 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 the Code in order to obtain academic credit or other academic advantage of any kind, contrary to section B.I.3.(b) of the Code, in connection with:

- (a) ECMC62H3, on or about April 16, 2009;
- (b) GGRC46H3, on or about April 20, 2009;
- (c) ECMB05H3, on or about April 23, 2009;
- (d) IDSB05H3, on or about December 14, 2009; and
- (e) POLB90H3, on or about December 15, 2009.

[9] Ms. L faced three charges for events arising on December 4, 2009 ("the first L Charges"), as follows:

- 1. On or about December 4, 2009, you knowingly had another person, D W , personate you at the deferred final examination in ECMC92 (the "Final Examination" and the "Course"), contrary to section B.I.1(c) of the Code.
- 2. On or about December 4, 2009, you or Mr. W knowingly forged, or in any other way altered or falsified an academic record, or you or Mr. W uttered, circulated or made use of any such forged, altered or falsified academic record, namely what purported to be a province of Ontario driver's licence bearing the name H L at the Final Examination, contrary to section B.I.3(a) of the Code.
- 3. In the alternative to each of the charges above, on or about December 4, 2009, 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 deferred final examination in the Course, contrary to section B.I.3(b) of the Code.

[10] Ms. L was also charged, subsequently, with 13 additional offences arising from events in April and December, 2009 ("the second L charges"), as follows:

- 1. On or about April 16, 2009, you knowingly had another person, D W , personate you at the final examination in ECMC62H3, contrary to section B.I.1(c) of the Code.
- 2. On or about April 20, 2009, you knowingly personated D W at the final examination in GGRC46H3, contrary to section B.I.1(c) of the Code.
- 3. On or about April 20, 2009, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance and/or aided or assisted D W to use an unauthorized aid or aids or obtain unauthorized assistance and/or abetted, counselled, procured or conspired with D W to use an unauthorized aid or aids or obtain

unauthorized assistance in the final examination in GGRC46H3, contrary to section B.I.1(b) of the Code.

4. On or about April 20, 2009, you knowingly aided or assisted D W to represent as his own any idea or expression of an idea or work of another and/or abetted, counselled, procured or conspired with D W to represent as his own any idea or expression of an idea or work of another in the final examination in GGRC46H3, contrary to section B.I.1(d) of the Code.
5. On or about April 20, 2009, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in the final examination in POLB81H3, contrary to section B.I.1(b) of the Code.
6. On or about April 20, 2009, you knowingly represented as your own any idea or expression of an idea or work of another in the final examination in POLB81H3, contrary to section B.I.1(d) of the Code.
7. On or about April 23, 2009, you knowingly had another person, D W , personate you at the final examination in ECMB05H3, contrary to section B.I.1(c) of the Code.
8. On or about December 14, 2009, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in the final examination in IDSB05H3, contrary to section B.I.1(b) of the Code.
9. On or about December 15, 2009, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in the final examination in GGRC46H3, contrary to section B.I.1(b) of the Code.
10. On or about December 15, 2009, you knowingly represented as your own any idea or expression of an idea or work of another in the final examination in GGRC46H3, contrary to section B.I.1(d) of the Code.
11. On or about December 15, 2009, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in the final examination in POLB90H3, contrary to section B.I.1(b) of the Code.
12. On or about December 15, 2009, you knowingly represented as your own any idea or expression of an idea or work of another in the final examination in POLB90H3, contrary to section B.I.1(d) of the Code.

13. 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 the Code in order to obtain academic credit or other academic advantage of any kind, contrary to section B.I.3(b) of the Code, in connection with the final examinations in each of following:
 - (a) ECMC62H3, on or about April 16, 2009;
 - (b) GGRC46H3, on or about April 20, 2009;
 - (c) POLB81H3, on or about April 20, 2009;
 - (d) ECMB05H3, on or about April 23, 2009;
 - (e) IDSB05H3, on or about December 14, 2009;
 - (f) GGRC46H3, on or about December 15, 2009; and
 - (g) POLB90H3, on or about December 15, 2009.

Particulars of the Charges

[11] Particulars of the first W charges, arising from the events of December 4, 2009, were as follows:

1. You were registered at the University of Toronto at all material times.
2. H L was registered at the University of Toronto and enrolled in the Course at all material times.
3. The final examination in the Course was scheduled to be held in the April/May 2009 exam period. Due to illness, Ms. L was permitted to write a deferred examination in August 2009. Ms. L petitioned to defer the examination again because she claimed to be out of the country. She was permitted another deferral, and was to write the Final Examination on December 4, 2009.
4. You agreed to pretend to be Ms. L and to attend and write the Final Examination on her behalf.
5. At the Final Examination, you knowingly presented an Ontario driver's licence bearing Ms. L's name to prove to the invigilator that you were H L. You knowingly forged, altered or falsified that driver's licence, or knowingly uttered, circulated, or made use of that forged, altered or falsified driver's licence, so that you could pretend to be Ms. L at the Final Examination.

6. You knowingly used the driver's licence bearing Ms. L's name to obtain a University of Toronto student card bearing her name and your picture. You knowingly uttered, circulated, or made use of that forged, altered or falsified driver's licence, to obtain the University of Toronto student card under false pretences and so that it would bear a false name.
7. You knowingly presented the University of Toronto student card bearing Ms. L's name at the Final Examination to prove to the invigilator that you were H L. You knowingly forged, altered or falsified that student card, or knowingly uttered, circulated, or made use of that forged, altered or falsified student card, so that you could pretend to be her at the Final Examination.

[12] The particulars of the first L charges were as follows:

1. You were registered at the University of Toronto and enrolled in the Course at all material times.
2. The final examination in the Course was scheduled to be held in the April/May 2009 exam period. Due to illness, you were permitted to write a deferred examination in August 2009.
3. You petitioned to defer the examination again because you claimed to be out of the country. You were permitted another deferral, and you were to write the Final Examination on December 4, 2009.
4. You instructed Mr. D W to attend and write the Final Examination for you.
5. You either knowingly altered your driver's licence or knowingly gave Mr. W your driver's licence, which you knew he intended to alter, so that he could pretend to be you at the Final Examination. You either committed the offence directly or did something for the purpose of aiding or assisting Mr. W to commit the offence described in charge #2 and you thereby became a party to that offence.
6. You instructed Mr. W to write the Final Examination for you so that you might receive an academic advantage in connection with the Final Examination.

[13] Particulars of the second W charges, relating to events in April and December, 2009, were as follows:

1. You were registered at the University of Toronto at all material times.
2. H; L was registered at the University of Toronto at all material times.

ECMC62H3

3. You were enrolled in and successfully completed ECMC62H3 in the 2008 Fall term.
4. H; L was enrolled in ECMC62H3 in the 2009 Winter term.
5. H; L was scheduled to write the final examination in ECMC62H3 on or about April 16, 2009.
6. You agreed to pretend to be Ms. L and to attend and write the final examination in ECMC62H3 on her behalf, so that she might receive an academic advantage in connection with that examination.

GGRC46H3

7. You were enrolled in GGRC46H3 in the 2009 Winter term.
8. You were scheduled to write the final examination in GGRC46H3 on or about April 20, 2009.
9. You instructed H; L to attend and write the final examination in GGRC46H3 on your behalf.
10. You instructed Ms. L and/or knowingly agreed with Ms. L that she would use an unauthorized aid and/or obtain unauthorized assistance to assist her in writing the final examination in GGRC46H3, in the form of notes and/or pre-written answers or other form of unauthorized aid.
11. You further instructed Ms. L and/or knowingly agreed with Ms. L that the unauthorized aid and/or unauthorized assistance she used to assist her in writing the final examination in GGRC46H3 would include plagiarized material from unattributed external sources.
12. The answer booklet submitted in your name for the final examination in GGRC46H3 on April 20, 2009;
 - a. contains virtually identical passages to an answer booklet subsequently submitted by H; L when she wrote the final examination in GGRC46H3 on or about December 15, 2009; and

b. contains virtually identical passages to unattributed external sources available on the internet.

13. You instructed Ms. L to write the final examination in GGRC46H3 for you, and to do so using an unauthorized aid and/or assistance which included plagiarized material, so that you might receive an academic advantage in connection with the final examination in GGRC46H3.

ECMB05H3

14. H L was enrolled in ECMB05H3 in the 2009 Winter term.
15. H: L was scheduled to write the final examination in ECMB05H3 on or about April 23, 2009.
16. You agreed to pretend to be Ms. L and to attend and write the final examination in ECMB05H3 on her behalf, so that she might receive an academic advantage in connection with that examination.

IDSB05H3

17. You and H L were both enrolled in IDSB05H3 in the Fall 2009 term.
18. The final examination in IDSB05H3 was scheduled to be written on December 14, 2009.
19. You used an unauthorized aid or aids and/or obtained unauthorized assistance when you wrote the final examination in IDSB05H3, in the form of notes and/or pre-written answers or other form of unauthorized aid.
20. The answer booklet you submitted for the final examination in IDSB05H3 on or about December 14, 2009 contains virtually identical passages to an answer booklet submitted by H L for that same final examination in IDSB05H3.
21. You did this in order that you might receive an academic advantage in the final examination in IDSB05H3.

POLB90H3

22. You and H L were both enrolled in POLB90H3 in the Fall 2009 term.
23. You wrote the final examination in POLB90H3 on or about December 15, 2009.

24. You used an unauthorized aid or unauthorized assistance when you wrote the final examination in POLB90H3, in the form of notes and/or pre-written answers or other form of unauthorized aid.
25. The answer booklet you submitted for the final examination in POLB90H3 or about December 15, 2009;
 - a. contains virtually identical passages to an answer booklet submitted by H. L. for that same final examination in POLB90H3; and
 - b. contains virtually identical passages to unattributed external sources available on the internet.
26. You did all of this in order that you might receive an academic advantage in the final examination in POLB90H3.

[14] Particulars of the second L. charges, arising from events in April and December, 2009, were as follows:

1. You were registered at the University of Toronto at all material times.
2. D. W. was registered at the University of Toronto at all material times.

ECMC62H3

3. You were enrolled in ECMC62H3 in the 2009 Winter term.
4. You were scheduled to write the final examination in ECMC62H3 on April 16, 2009.
5. You instructed Mr. D. W. to attend and write the final examination in ECMC62H3 for you, so that you might receive an academic advantage in connection with that examination.

GGRC46H3

6. D. W. was enrolled in GGRC46H3 in the 2009 Winter term.
7. You were enrolled in GGRC46H3 in the 2009 Fall term.
8. D. W. was scheduled to write his final examination in GGRC46H3 on April 20, 2009.

9. You agreed to pretend to be D. W. and to attend and write the final examination in GGRC46H3 in the 2009 Winter term on his behalf, and you did so in order that he might receive an academic advantage on that examination.
10. You wrote the final examination in GGRC46H3 in the 2009 Fall term on or about December 15, 2009.
11. You used an unauthorized aid or aids and/or obtained unauthorized assistance when you wrote the final examination in GGRC46H3 on April 20, 2009 and again on December 15, 2009, in the form of notes and/or pre-written answers or other form of unauthorized aid.
12. Some of the answers you gave on the final examination in GGRC46H3 on April 20, 2009 and again on December 15, 2009 were copied verbatim or closely paraphrased from unattributed external sources, and were not your own words or ideas.
13. The answer booklet you submitted for the final examination in GGRC46H3 on December 15, 2009:
 - a. contains virtually identical passages to the answer booklet you had previously submitted in D. W.'s name on April 20, 2009 when you wrote the final examination in GGRC46H3 on his behalf on April 20, 2009; and
 - b. contains virtually identical passages to unattributed external sources available on the internet.
14. You did all of this in relation to GGRC46H3 so that you might receive an academic advantage on the final examination in GGRC46H3, and so that Mr. W. might receive an academic advantage on his final examination in GGRC46H3.

POLB81H3

15. You were enrolled in POLB81H3 in the 2009 Winter term.
16. You wrote the final examination in POLB81H3 on or about April 20, 2009.
17. You used an unauthorized aid or aids and/or obtained unauthorized assistance when you wrote the final examination in POLB81H3, in

the form of notes and/or pre-written answers or other form of unauthorized aid.

18. Some of the answers you gave on the final examination in POLB81H3 were copied verbatim or closely paraphrased from unattributed external sources, and were not your own words or ideas.
19. You did all of this in relation to the final examination in POLB81H3 so that you might receive an academic advantage on that final exam.

ECMB05H3

20. You were enrolled in ECMB05H3 in the 2009 Winter term.
21. You were scheduled to write the final examination in ECMB05H3 on or about April 23, 2009.
22. You instructed Mr. W to write the final examination in ECMB05H3 for you so that you might receive an academic advantage in connection with that final examination.

IDSB05H3

23. You and D W were both enrolled in IDSB05H3 in the 2009 Fall term.
24. You wrote the final examination in IDSB05H3 on or about December 14, 2009.
25. You used an unauthorized aid or aids and/or obtained unauthorized assistance when you wrote the final examination in IDSB05H3, in the form of notes and/or pre-written answers or other form of unauthorized aid.
26. The answer booklet you submitted for the final examination in IDSB05H3 on or about December 14, 2009 contains virtually identical passages to an answer booklet submitted by D W for that same final examination in IDSB05H3.

27. You did all of this in order that you might receive an academic advantage in the final examination in IDSB05H3.

POLB90H3

28. You and D. W. were both enrolled in POLB90H3 in the 2009 Fall term.
29. You wrote the final examination in POLB90H3 on or about December 15, 2009.
30. You used an unauthorized aid or aids and/or obtained unauthorized assistance when you wrote the final examination in POLB90H3, in the form of notes and/or pre-written answers or other form of unauthorized aid.
31. The answer booklet you submitted for the final examination in POLB90H3 on or about December 15, 2009:
- a. contains virtually identical passages to an answer booklet submitted by D. W. for that same final examination in POLB90H3; and
 - b. contains virtually identical passages to unattributed external sources available on the internet.
32. Some of the answers you gave on the final examination in POLB90H3 were copied verbatim or closely paraphrased from unattributed external sources, and were not your own words or ideas.
33. You did all of this in relation to the final examination in POLB90H3 so that you might receive an academic advantage on that final exam.
34. Your conduct in respect of each of the above final examinations violated the Code.

Agreed Statement of Facts and Admissions

[15] An Agreed Statement of Facts ("ASF") was filed at the hearing, signed by Mr. W and Ms. L. As noted in the ASF, Mr. W and Ms. L waived reading of the charges and although a Dean's Meeting was held with respect to the first sets of charges (the December 4, 2009 matters), Mr. W and Ms. L each waived their right to attend a meeting with the Dean with respect to the second sets of charges (see paragraph 18 of the ASF).

[16] In the Agreement Statement of Facts, Mr. W pleaded guilty, as follows:

- (a) to charges 1, 2, 3 and 4 of the first set of charges; and
- (b) to charges 1, 3, 4, 5, 6 and 8 of the second set of charges.

[17] Ms. L pleaded guilty as follows:

- (c) to charges 1 and 2 of the first set of charges; and
- (d) to charges 1, 5, 6, 7, 8, 9, 10 and 12 of the second set of charges.

[18] The panel heard helpful submissions from counsel in summarizing the charges, and after taking time to review the ASF and two volumes of documents filed in support of it, was satisfied on the basis of the evidence and the students' admissions of guilt, that convictions should be registered on all charges to which the students pleaded guilty. The University then withdrew the remaining charges.

Summary of the Facts

First Sets of Charges: Events of December 4, 2009

[19] In the winter of 2009, Ms. L was enrolled in ECMC92H3: Economics of Markets and Pricing. A final exam, worth 60% of the overall course mark, was scheduled to be written during the April 2009 exam period. Ms. L obtained permission to write a deferred exam in August, 2009, and then received permission to further defer the exam until December 4, 2009.

[20] On December 4, 2009, Mr. W presented himself at the final exam and signed in using the name of H L. He presented an Ontario driver's licence bearing the name H L, with her birth date, but containing a photograph of himself. When asked by the exam invigilator for his U of T student card, Mr. W stated that he did not have one and was sent to the library to obtain one. At the library, Mr. W presented the forged driver's licence and,

on that basis, was issued a student card bearing the name H L . He returned to the examination room and presented the student card. Mr. W then answered some of the questions on the exam. The invigilator's suspicion was raised by the observation that other information disclosed that H L was a woman, and yet a man was writing the exam in her name, and Mr. W appears to have been confronted about this at the time.

[21] Each of the students attended a "Dean's Meeting". Although Ms. L initially denied that she knew Mr. W she subsequently admitted that she had asked him to write her exam and admitted that she had given her driver's licence to him.

[22] At Mr. W's Dean's Meeting, he admitted that he had attended and written the exam in Ms. L's name, and he further admitted that he had presented the forged driver's licence and forged student card at the exam.

Second Sets of Charges

[23] Following the investigation of the events of December 4, 2009, the University conducted further investigation and additional academic offences came to light. Summarized briefly from the ASF, these include the following:

- (a) **ECMC62H3 – International Economics: Trade and Theory.** On April 16, 2009, Ms. L was scheduled to write the final exam in this course, worth 60% of her mark. In her place, and on her instructions, Mr. W attended the final exam, where he impersonated H L and wrote the exam for her.
- (b) **GGRC46H3: Tourism, Environment and Development.** Mr. W took this course in the Winter 2009 term. He wrote an exam on April 20, 2009, worth 35% of the final mark, at which no aids were allowed. However, Mr. W brought into the exam room pre-written answers, which he wrote into the exam book. Ms. L took the same course in the Fall 2009 term, and at the final exam in that course written on December 15, 2009 (again worth 35% of the grade), Ms. L brought into the exam room pre-written answers which she wrote down as if she had written them during the exam without the use of any aids. The pre-written answers of Mr. W and Ms. L were virtually identical. Further, many of the answers are copied virtually verbatim from external sources, and without attribution.
- (c) **POLB81H3: International Conflict and Conflict Management.** Ms. L was enrolled in this course in the Winter 2009 term. At the final exam worth 40% of the final mark in the course, on April 20, 2009, Ms. L brought into the exam room copies of text from external sources which she used to assist her in answering the questions, without attribution. No aids

were permitted. A review of Ms. L's answer booklet reveals that some of her answers were copied from those external sources.

- (d) **ECMB05H3: Macro Economic Theory and Policy.** Ms. L was enrolled in this course in the 2009 Winter term. At the final exam worth 50% of the final course mark, held on April 23, 2009, on Ms. L's instructions Mr. W attended and wrote the exam in her place, as if he was Ms. L.
- (e) **IDSB05H3: Economics of Small Enterprise and Micro Credit.** Mr. W and Ms. L were both enrolled in this course in the 2009 Fall term. The final exam, worth 40% of the final course grade was scheduled to be written on December 14, 2009. No aids were allowed. A comparison of their answer books reveals that many of the answers given to the exam questions by these two students were very similar and, in some cases, identical. The students each admitted in the Agreed Statement of Facts that they used or possessed unauthorized aids and provided unauthorized assistance to one another at the final exam.
- (f) **POLB90H3: Comparative Development in International Perspective.** Mr. W and Ms. L were both enrolled in this course in the 2009 Fall term. At the final exam worth 40% of the final mark, held on December 15, 2009, no aids were allowed. Again, a comparison of the answer books of each student reveals that many of the short answers given to the exam questions by these two students were very similar and their answers to the long essay question were virtually identical. Further, their virtually identical essay answers were copied verbatim from external sources, without attribution.

Penalty

- [24] A Joint Submission on Penalty was presented for each of Mr. W and Ms. L. They called for assignments of grades of zero in each of the courses affected, recommendations of expulsion, and suspensions for up to five years pending the decision of the Governing Council with respect to expulsion. In addition, the University of Toronto requested that a report of the decision be made to the Provost who may publish a notice of the decision of the Tribunal and the sanctions imposed, with the students' names withheld.
- [25] Ms. Harmer, in helpful submissions, took us through a number of University Tribunal decisions to support the recommendation of expulsion. She noted that these were egregious cases of academic dishonesty, affecting seven courses for Ms. L and three courses for Mr. W, which involved a high degree of planning, including forging student identification and a Government of Ontario driver's licence.

[26] Ms. Harmer took us through the relevant factors in order to justify the recommendation of expulsion. She noted that the students cheated extensively, and that even after they were caught on December 4, 2009, the students committed further academic offences later in the same month. This demonstrated that there was a real concern about a likelihood of repetition. The nature of the offences is clearly very serious, and is often hard to discover. No extenuating circumstances were put forward. In short, there was a pattern of complete disregard for academic honesty, and in fact a pattern of deliberate disregard based on the careful planning and premeditation involved in committing the offences.

[27] Mr. Goldbloom made no submissions to raise any extenuating circumstances.

[28] Accordingly, the panel was satisfied that Joint Submissions on Penalty were appropriate having regard to the circumstances and prior cases. The panel therefore recommends the following sanctions:

With Respect to D W

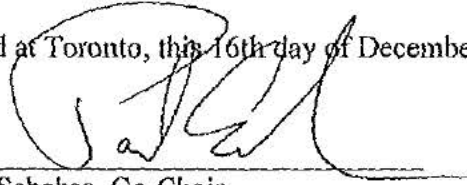
1. that a final grade of zero be recorded for each of GGRC46H3 for Winter 2009, IDSB05H3 for Fall 2009, and POLB90H3 for Fall 2009;
2. that Mr. W be suspended from the University commencing November 23, 2010, for a period not to exceed five years;
3. that the President of the University recommend to the Governing Council that Mr. W be expelled from the University; and
4. that this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the name of the student withheld.

As against H L

1. that a final grade of zero be recorded for each of ECMC92H3 for Winter 2009, ECMC62H3 for Winter 2009, GGRC46H3 for Fall 2009, POLB81HE for Winter 2009, ECMB05H3 for Winter 2009, IDSB05H3 for Fall 2009, POLB90H3 for Fall 2009;
2. that Ms. L be suspended from the University commencing November 23, 2010, for a period not to exceed five years;
3. that the President of the University recommend to the Governing Council that Ms. L be expelled from the University; and

4. that this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the name of the student withheld.

Dated at Toronto, this 16th day of December, 2010

A handwritten signature in black ink, appearing to read 'Paul Schabas', written over a horizontal line.

Paul Schabas, Co-Chair