

THE UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION

IN THE MATTER OF charges of academic dishonesty filed on February 14, 2011,

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 –

L [REDACTED] Q [REDACTED]

REASONS FOR DECISION

Hearing Date: January 19, 2012

Members of the Panel:

Mr. Michael Hines, Barrister and Solicitor, Chair

Professor Richard B. Day, Faculty Panel Member, Department of Political Science

Mr. Albert So, Student Panel Member

Appearances:

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

Ms. L [REDACTED] Q [REDACTED], the Student

In Attendance:

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

Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances

The Facts

1. This hearing arose out of charges of academic misconduct dated February 14, 2011 ("Charges") 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 L█ Q█ ("Ms. Q█") prepared an Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The Provost and Ms. Q█ agreed on the facts set below and that:

- (a) each document contained in the JBD could be admitted into evidence before the Tribunal for all purposes, including for the truth of the document's contents, without further need to prove the document; and
- (b) if a document indicated that it was sent or received by someone, that was *prima facie* proof that the document was sent and received as indicated.

2. Ms. Q█ also confirmed that she signed the ASF freely and voluntarily, knowing of the potential consequences she faced.

3. Ms. Q█ also acknowledged that she had received reasonable notice of this hearing. The Notice of Hearing for January 19, 2012 set out the Charges. They read as follows:

1. On or about August 13, 2010, you knowingly personated another person, M█ B█, at a final examination in MATA33 (the "Exam" and the "Course"), contrary to section B.I.1(c) of the Code.

2. On or about August 13, 2010, you knowingly forged, altered or falsified a document or evidence required by the University, and did utter, circulate or make use of any such forged, altered or falsified document, namely the cover page of your examination booklet in the Exam, contrary to section B.I.(a) of the Code.

3. In the alternative, on or about August 13, 2010, 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 Quiz in the Course, contrary to section B.I.3(b) of the Code.

Particulars

You were registered at the University of Toronto and enrolled in the Course at all material times.

The Exam was scheduled to be written on August 13, 2010.

You attended and wrote the Exam, but put M [REDACTED] B [REDACTED]'s name and student number on the cover of your exam answer booklet so that it would appear to be Mr. B [REDACTED]'s exam answer booklet.

You wrote the Exam on Mr. B [REDACTED]'s behalf so that he might receive an academic advantage in the Course.

Your conduct violated the Code.

4. Ms. Q [REDACTED] first registered as a student at the University of Toronto at Scarborough in Fall 2009. At all material times, Ms. Q [REDACTED] remained enrolled at the University. As at the end of the Summer 2010 term she had earned 1.50 credits, with a cumulative grade point average of 0.34. In Summer 2010 she was placed on academic probation.
5. At all material times Ms. Q [REDACTED] was involved in a relationship with M [REDACTED] B [REDACTED] and they lived together at the same address. Mr. B [REDACTED] also first registered as a student at the University of Toronto at Scarborough in Fall 2009.
6. In Summer 2010, Ms. Q [REDACTED] enrolled in MATA33H3: Calculus for Management II, which was taught by Professor S. Chopra ("MATA33H3"). Mr. B [REDACTED] was also enrolled in MATA33H3 at the same time.
7. The final exam in MATA33H3 was worth 50% of the overall course mark ("Exam"). The Exam was scheduled to be written on August 13, 2010.
8. Ms. Q [REDACTED] attended at the Exam with Mr. B [REDACTED]. Mr. B [REDACTED] sat immediately behind Ms. Q [REDACTED] in the exam room.
9. During the Exam Ms. Q [REDACTED] wrote Mr. B [REDACTED]'s name and student number on the front cover of her exam paper, and showed it to Mr. B [REDACTED] so that he would know what she had done. She submitted this exam paper with Mr. B [REDACTED]'s name at the end of the Exam.

10. Ms. Q█ was motivated to do this in part because she had already decided to leave the University. Mr. B█ had been involved in a car accident several months prior to the Exam, and she wanted to help Mr. B█ to obtain a better mark than she thought he could obtain on his own. She expected Mr. B█ to submit his exam paper with her name and student number on the front cover.

11. Before students began to write the Exam they were required to fill in a one-page Examination Candidate Form with the date, seat number, name, student number, course, lecture number, instructor's name, and their signature. Ms. Q█ filled out this form by providing the date, her name, student number, course number and her signature.

12. During or at the conclusion of the Exam the University also collected an Examination Candidate Form filled out in the name of M█ B█, with Mr. B█'s student number, the course number, and a signature from M█ B█.

13. After the Exam, Mr. B█ told Ms. Q█ that he had crossed off his own name on his exam cover page and substituted the fictional name Steven Xu, and that he had also changed his student number.

14. At the end of the Exam, when all of the Examination Candidate Forms and exam papers had been collected by the University officials responsible for the Exam, they observed the following:

- (a) There was no exam paper submitted with L█ Q█'s name or student number on the cover page.
- (b) There was an exam paper with M█ B█'s name and student number on the cover page.
- (c) There was an exam paper with the name Steven Xu, with student number 997586688, on the cover page.

- (d) There was an Examination Candidate Form containing Ms. Q█'s name and student number, and another one containing Mr. B█'s name and student number.
- (e) There was no Examination Candidate Form containing the name Steven Xu, or the student number 997586688.
- (f) There was no student named Steven Xu registered in MATA33H3.

15. Ms. Q█ attended at a meeting with the Dean's Designate on October 20, 2010 pursuant to section C.I.(a) 5 and 6 of the Code ("Dean's Meeting"). She was informed of the dean's warning as required by section C.I.(a) 6 of the Code. At that time she admitted that she had put M█ B█'s name and student number on her exam paper during the Exam, and she had submitted this exam paper in Mr. B█'s name to help him get a better grade in MATA33H3.

16. Ms. Q█ admitted that she knowingly personated M█ B█ at the Exam, contrary to section B.I.1(c) of the Code, as made out in Charge 1.

17. Ms. Q█ further admitted that she knowingly forged, altered or falsified her exam answer paper during the Exam by putting M█ B█'s name and student number on the cover page to make it appear to have been submitted by Mr. B█, to assist him to obtain an academic advantage, contrary to section B.I.1(a) of the Code, as made out in Charge 2.

Finding of Guilt

18. Ms. Q█ waived the reading of the Charges and pled guilty to Charges 1 and 2. The Tribunal accepted this plea and registered a finding of guilt on Charges 1 and 2. On that basis, the Provost withdrew Charge 3.

Penalty

19. The parties then made a joint submission on penalty. Specifically, the Provost and Ms. Q█ submitted that the appropriate penalty in all the circumstances of the case was that the University Tribunal impose the following sanctions on Ms. Q█:

- (a) a final grade of zero in the course MATA33H3;
- (b) a suspension from the University to commence January 1, 2012, and to end December 31, 2016;
- (c) a notation of the sanction on her academic record and transcript from the date of the Order until the earlier of her graduation from the University or December 31, 2018.

20. The Parties further submitted that it would be appropriate for the Tribunal to report this 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.

21. Based upon the foregoing, after receiving evidence and hearing submissions by the parties, the Tribunal concluded that the sanction proposed by the parties fell within a reasonable range of sanctions for the offences committed. Accordingly, the Tribunal hereby orders:

1. **THAT** Ms. Q█ is guilty of the academic offences of:
 - (a) personation contrary to section B.I(1)(c) of the *Code of Behaviour on Academic Matters*; and
 - (b) falsifying an exam paper 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. Q█:

- (a) she shall receive a final grade of zero in the course MATA33H3;
- (b) she shall be suspended from the University for five years, to commence on January 1, 2012, and to end December 31, 2016; and
- (c) the sanction shall be recorded on her academic record and transcript from the date of the Order until December 31, 2018.

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 sanctions imposed in the University newspapers, with the name of the student withheld.

Dated at Toronto, this 26 day of June, 2012.



Mr. Michael Hines, Co-Chair