

THE UNIVERSITY OF TORONTO
The University Tribunal
Trial Division

IN THE MATTER of charges of academic dishonesty made on August 7, 2008;

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 (the "University")

- and -

A [REDACTED] A [REDACTED]

Members of the Panel:

Ms. Laura Trachuk
Mr. Adil D'Sousa
Professor Graham Trope

Appearances:

Mark Lapowich, for A [REDACTED] A [REDACTED]
Linda Rothstein and Lily Harmer, for the University of Toronto

DECISION

- [1] A hearing of the Trial Division of the University Tribunal was convened on September 10, 2009 to consider charges brought against A [REDACTED] A [REDACTED] under the *University of Toronto's Code of Behaviour on Academic Matters* (the "Code"). A preliminary decision had been issued on January 14, 2009.

Charges

- [2] On August 7, 2008 A [REDACTED] A [REDACTED] was charged as follows under the Code of Behaviour on Academic Matters, 1995 (the "Code):

CHARGES

Note: Wherever in the *Code of Behaviour on Academic Matters, 1995* ("Code") an offence is described as depending on "knowing", the offence shall likewise be deemed to have been committed if the person ought reasonably to have known.

1. On or about April 23, 2008 you knowingly forged or in any other way altered or falsified any document or evidence required by the University, or uttered, circulated or made use of any such forged, altered or falsified document, whether the document be in print or electronic form, namely the final exam submitted by N [REDACTED] A [REDACTED] in MGTC03H – Principles of Finance, contrary to section B.I.1.(a) of the *Code*.

2. In the alternative, on or about April 23, 2008, you knowingly forged or in any other way altered or falsified any academic record or uttered, circulated or made use of any such forged, altered or falsified record, whether the record be in print or electronic form, namely the final exam submitted by N [REDACTED] A [REDACTED] in MGTC03H – Principles of Finance, contrary to section B.I.3.(a) of the *Code*.

3. In the alternative, on or about April 23, 2008, you knowingly engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not here and otherwise described, in order to obtain academic credit or other academic advantage of any kind, in marking the final exam of N [REDACTED] A [REDACTED] in MGTC3H – Principles of Finance, contrary to section B.I.3.(b) of the *Code*.

- [3] The following charges were laid against Mr. A [REDACTED] on November 21, 2008:

CHARGES

Note: Wherever in the *Code of Behaviour on Academic Matters, 1995* ("Code") an offence is described as depending on "knowing", the offence shall likewise be deemed to have been committed if the person ought reasonably to have known.

1. On or about November 29, 2007 you knowingly forged or in any other way altered or falsified any document or evidence required by the University, or uttered, circulated or made use of any such forged, altered or falsified document, whether the document be in print or electronic form, namely the marks for the mid-term exam submitted by N [REDACTED] A [REDACTED] in MGTB03H – Management Accounting, contrary to section B.I.1.(a) of the *Code*.

2. In the alternative, on or about November 29, 2007, you knowingly forged or in any other way altered or falsified any academic record or uttered, circulated or made use of any such forged, altered or falsified record, whether the record be in print or electronic form, namely the marks for the mid-term exam submitted by N [REDACTED] A [REDACTED] in MGTB03H – Management Accounting, contrary to section B.I.3.(a) of the *Code*.

3. In the alternative, on or about November 29, 2007, you knowingly engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not herein otherwise described, in order to obtain academic credit or other academic advantage of any kind, in marking the mid-term exam of N [REDACTED] A [REDACTED] in MGTB03H –Management Accounting, contrary to section B.I.3.(b) of the *Code*.

4. On or about December 10, 2007 you knowingly forged or in any other way altered or falsified any document or evidence required by the University, or uttered, circulated or made use of any such forged, altered or falsified document, whether the document be in print or electronic form, namely the marks for the final exam submitted by N [REDACTED] A [REDACTED] in MGTB03H – Management Accounting, contrary to section B.I.1(a) of the *Code*.

5. In the alternative, on or about December 10, 2007, you knowingly forged or in any other way altered or falsified any academic record or uttered, circulated or made use of any such forged, altered or falsified record, whether the record be in print or electronic form, namely the marks for the final exam submitted by N [REDACTED] A [REDACTED] in MGTB03H – Management Accounting, contrary to section B.I.3.(a) of the *Code*.

6. In the alternative, on or about December 10, 2007, you knowingly engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not herein otherwise described, in order to obtain academic credit or other academic advantage of any kind, in marking the mid-term exam of N [REDACTED] A [REDACTED] in MGTB03H –Management Accounting, contrary to section B.I.3.(b) of the *Code*.

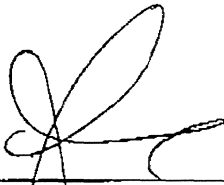
Decision

- [4] At the hearing of this matter on September 10, 2009, Mr. A [REDACTED] and the University submitted an agreed Statement of Facts in which Mr. A [REDACTED] acknowledges that he was a teaching assistant for two courses in which his brother was enrolled. He did not advise the professors responsible for the courses of that fact. He also acknowledges that he changed his brother's marks in both courses as charged. He pleads guilty to charge 2 of the charges laid on August 7, 2008 and to charges 2 and 5 of the charges laid on November 21, 2008.

[5] After reviewing the agreed Statement of Facts the panel has decided to accept Mr. A [redacted]'s plea of guilty to three of the charges. We therefore find that A [redacted] A [redacted] did, on two occasions, commit offences in violation of section B.i.(3)(a) of the Code. We also find that he committed an offence in violation of section B.i.(3)(b).

[6] We will hear submissions on penalty when the hearing reconvenes.

Dated at Toronto, October 9, 2009



Laura Trachuk for the panel
Graham Trope
Adil D'Sousa