

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION**

IN THE MATTER OF charges of academic dishonesty filed on September 17, 2013;

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 -

N [REDACTED] D [REDACTED]

REASONS FOR DECISION

Hearing Date: January 13, 2014

Members of the Panel:

Mr. Andrew Pinto, Barrister and Solicitor, Chair

Professor Dionne Aleman, Faculty of Engineering and Applied Sciences, Faculty Panel Member

Mr. Jonathan Hsu, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers

Mr. Joseph Guiyab, Legal Case Worker, Downtown Legal Services

In Attendance:

Ms. Lucy Gaspini, Lucy Gaspini Manager, Academic Integrity and Affairs

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

Preliminary

- [1] The Trial Division of the University Tribunal was convened on January 13, 2014 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the "Code") laid against the Student by letter dated September 17, 2013 from Professor Edith Hillan, Vice-Provost, Faculty and Academic Life.
- [2] The Student and the University entered into an Agreed Statement of Facts ("ASF") and a Joint Submission on Penalty ("JSP"), copies of which are attached to these Reasons as Appendix "A" and "B" respectively.

Hearing on the Facts

- [3] The charges against the Student were as follows:

BIO 210 Charges

1. On or about November 13, 2012, you knowingly forged, or in any other way altered or falsified a document that was required by the University, or you knowingly uttered, circulated or made use of a forged, altered or falsified document when you submitted an altered version of your Term Test #1 in BIO 210 for re-marking, contrary to section B.I.1(a) of the Code.
2. In the alternative, on or about November 13, 2012, 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 altering and submitting for re-marking a document that you claimed was your Term Test #1 in BIO 210, contrary to section B.I.3(b) of the Code.
3. On or about November 13, 2012, you knowingly forged, or in any other way altered or falsified a document that was required by the University, or you knowingly uttered, circulated or made use of a forged, altered or

falsified document when you submitted an altered version of your Term Test #3 in BIO 210 for re-marking, contrary to section B.I.1(a) of the Code.

4. In the alternative, on or about November 13, 2012, 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 altering and submitting for re-marking a document that you claimed was your Term Test #3 in BIO 210, contrary to section B.I.3(b) of the Code.

CCT 314 Charges

5. On or about April 3, 2013, you knowingly submitted, without the knowledge and approval of the instructor to whom it was submitted, academic work for which credit had previously been obtained in another course at the University, namely, an essay titled "Lady Gaga and the Gaze," which you submitted for academic credit in CCT 314, contrary to Section B.I.1(e) of the Code.
6. In the alternative, on or about April 3, 2013, you knowingly represented as your own any idea or expression of an idea or work of another in an essay titled "Lady Gaga and the Gaze," which you submitted for academic credit in CCT 314 contrary to Section B.I.1(d) of the Code.
7. In the alternative, on or about April 3, 2013, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in order to obtain academic credit

in an essay titled “Lady Gaga and the Gaze,” which you submitted for academic credit in CCT 314, contrary to Section B.1.3(b) of the Code.

- [4] The Student did not attend the hearing but sent a representative, Mr. Guiyab, from Downtown Legal Services. The ASF and JSP signed by the Student confirmed that the Student signed the documents freely and voluntarily, knowing the potential consequences she faced. Mr. Guiyab confirmed that he was authorized to speak on the Student’s behalf in her absence. Since the Student signed the ASF and JSP and sent a legal representative to the hearing, the Tribunal determined that it was entitled to proceed with the hearing in the Student’s absence, where the Tribunal could find that she had committed an act or acts of academic misconduct, and could impose sanctions against her as set out in the *Code*.
- [5] Discipline counsel provided an overview of the ASF.
- [6] The Student, via the ASF, entered a guilty plea to all 7 charges. The University agreed that if the Tribunal convicted the Student of charges 1, 3, 5 or 6, the University would withdraw charge 2, 4 and 7.

Decision of the Tribunal on Charges

- [7] Following deliberation, based on the facts set out in the ASF and a review of the documents contained in a Joint Book of Documents (“JBD”), the Tribunal accepted the Student’s guilty plea. Consequently, the University withdrew charge 2, 4 and 7; and the Student stood convicted on charges 1, 3, 5 and 6.

Penalty

- [8] The matter then continued with a hearing into the appropriate sanction. As noted above, the University and the Student filed a JSP attached to these Reasons as Appendix B.
- [9] Discipline counsel indicated that the jointly proposed sanction, which included, *inter alia*, a 5-year suspension from the University, was at the high end of the penalty range.
- [10] An aggravating factor was that a mere three weeks after admitting guilt at the Dean’s Designate meeting with respect to academic misconduct in BIO210Y5Y – Anatomy, the Student committed another academic offence with respect to CCT314H5S – Representation. The Student was

specifically cautioned by the professor in CCT314 about the hazards of rewriting on the same topic.

- [11] Discipline Counsel also pointed out that the nature of the offences was not one that could have been committed negligently. The Student also had a prior offence in respect of BIO318, a course that she took in 2009. There, the Student submitted lab reports containing text that was identical to lab reports previously submitted by another student.
- [12] In terms of mitigating factors, Discipline Counsel noted the Student's admission of guilt at the Dean's Designate meeting and her cooperation with respect to the ASF and JSP.
- [13] The proposed sanction in this case would permit the Student to soon write a deferred examination in RLG205H5 – Introduction to South Asian Religions – which the Student did not write due to illness. The parties submitted that it would not be appropriate to make the Student wait until the completion of the proposed 5 year suspension before writing the exam.
- [14] The panel reviewed a number of Tribunal decisions presented by the parties. In the *J. S. and the University of Toronto* (Case No. 706; May 21, 2013) decision, the student was found guilty of one count of plagiarism with respect to a final practicum report to obtain a Master of Public Health degree. The student had two prior incidents that were treated as one prior offence. The student cooperated with the discipline process through an ASF and JSP and received a 4 year suspension. In the *V. P. and the University of Toronto* (Case No. 699; August 21, 2013) decision, the student resubmitted an assignment which was virtually identical to an assignment that she had submitted a year earlier. Similar to the Student's case before this panel, the student resubmitted the assignment, without acknowledgment, following a decanal meeting where the student was warned that another offence would be treated much more severely. The student received a 4-year suspension.
- [15] Here the Student was found guilty of four charges and had one prior offence.
- [16] The Student's representative submitted that the Student's participation in and agreement with the ASF and JSP signified her taking responsibility for her actions. Acceptance of the JSP would necessitate the Student waiting at least 5 years to complete her degree.
- [17] The Tribunal agreed that there were no compelling reasons in this case for departing from the sanction jointly suggested by the parties in the JSP.

[18] In light of the facts of this case, the admission of guilt by the Student, and the joint submission regarding penalty, the Tribunal accepts the JSP and imposes the following sanction:

1. **THAT** the following sanctions shall be imposed on the Student:

- 1) Ms. D█ shall receive a final grade of zero in BIO210Y5Y and CCT314H5S;
- 2) Ms. D█ shall be suspended from the University from the date of this order until January 13, 2019, except that she shall be permitted to write a special deferred examination in RLG205H5 during the February 2014 special examination period;
- 3) A notation of this offence and sanction shall be placed on Ms. D█'s academic record and transcript from the date of this order until she graduates from the University.
- 4) This case shall be reported to the Provost for publication of a notice of this decision with the name of the student withheld.
- 5) This panel shall remain seized to deal with any implementation issues concerning the Student writing the deferred examination in RLG205H5.

Dated at Toronto, this ^{15th} day of May, 2014.



Andrew Pinto, Co-Chair

APPENDIX A

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on September 17, 2013,
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 am. S.O. 1978, c. 88

BETWEEN:

THE UNIVERSITY OF TORONTO

- and -

N [REDACTED] D [REDACTED] ([REDACTED])

AGREED STATEMENT OF FACTS

1. This hearing arises out of charges of academic misconduct 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 N [REDACTED] D [REDACTED] ("Ms. D [REDACTED]") have prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The Provost and Ms. D [REDACTED] agree that:

- (a) each document contained in the JBD may be admitted into evidence at the Tribunal for all purposes, including to prove the truth of the document's 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.

A. Notice of hearing

2. Ms. D█ admits that she received reasonable notice of the hearing. The notice of hearing is included in the JBD at Tab 1.

B. Charges and guilty plea

3. Ms. D█ admits that she received a copy of the charges filed by the Provost on September 17, 2013. The charges are included in the JBD Tab 2. Ms. D█ waives the reading of the charges filed against her, and pleads guilty to all 7 of the charges.

4. If the Tribunal convicts Ms. D█ on:

- (a) charge #1, the Provost will withdraw charge #2;
- (b) charge #3, the Provost will withdraw charge #4;
- (c) charge #5 or #6, the Provost will withdraw charge #7;

5. A copy of Ms. D█'s academic record, dated ♦ , is found in the JBD at Tab 3. At all material times, Ms. D█ was a student member of the University of Toronto, within the meaning of the Code. Ms. D█ acknowledges that the University Tribunal has jurisdiction over her and that the Code applies to her conduct in this case.

C. Tests resubmitted in BIO 210

6. In Summer 2012, Ms. D█ enrolled in BIO210Y5Y – Fundamentals of Human Anatomy and Physiology (“Anatomy”), which was taught by Krupa Patel. A copy of the course outline for Anatomy is found in the JBD at Tab 4.

7. The assessment in Anatomy included three term tests and a final examination. Only the best two marks on the three term tests would each count for 30% of the final grade in Anatomy. The final exam would count for 40% of the final grade.

8. The three term tests were held as follows:

(a) Term Test I was held on May 24, 2012, and Ms. D█ received a mark of 49.5%;

(b) Term Test II was held on June 14, 2012, and Ms. D█ received a mark of 40%;
and

(c) Term Test III was held on July 31, 2012, and Ms. D█ received a mark of 60%.

9. After the Term Tests were marked and returned, the students were provided with the answer keys to the Term Tests to assist them to prepare for the final examination. Ms. D█ wrote the final exam and received a mark of 28%.

10. The final marks in Anatomy were released on September 10, 2012. Ms. D█ received a final grade of 44% after the results in Term Test II were disregarded. A copy of the spreadsheet setting out Ms. D█'s marks in Anatomy is included in the JBD at Tab 5.

11. On September 12, 2012, Ms. D█ wrote to Dr. Krupa and requested that her answers to Term Test I and Term Test II be regraded. A copy of this message is included in the JBD at Tab 6. In her e-mail message to Dr. Krupa, Ms. D█ claimed to have sent "countless" e-mail messages to Dr. Krupa requesting a re-grade. Ms. D█ admits that this claim was not true.

12. On November 13, 2013, Ms. D█ met with Yen Du, a student advisor in the Biology Department. Ms. D█ provided what she represented to be her original and unaltered Term Tests to Ms. Du. Copies of the documents that Ms. D█ gave to Ms. Du are found in the JBD as follows:

(a) Term Test I: Tab 7

(b) Term Test III: Tab 8

13. Ms. D ■ advised Ms. Du that, if she received the marks that she felt she deserved for Term Test I and III, she would pass Anatomy and would be eligible to graduate in November 2013. Ms. D ■ stated that she was “just looking for 50% to pass the course” so that she could graduate.

14. The Teaching Assistants who marked Ms. D ■'s Term Tests then examined the Term tests that Ms. D ■ had provided to Ms. Du. They concluded that the writing style of the answers was quite different in different areas of the tests. In addition, a number of questions that Ms. D ■ claimed were not marked contained answers that were very similar to the answer keys that had been distributed.

15. Ms. D ■ admits that she altered Term Test I and Term Test III and knowingly submitted them for re-grading:

- (a) in order to obtain an academic advantage;
- (b) to mislead the University and its staff and faculty by representing that they were her original, unaltered tests; and
- (c) expecting that the University and its staff and faculty would rely on this information to their detriment and would provide her with an academic advantage.

16. Ms. D ■ specifically admits that:

- (a) on Term Test I, she added text to answer Question 1A, Question 1C, and Question 3A; and
- (b) on Term Test II, she added text to answer Question 2D.

17. On March 11, 2013, Ms. D█ met with Professor Scott Graham, Dean's Designate for Academic Integrity at the University of Toronto Mississauga to discuss the allegations that she had violated the Code. Ms. D█ was accompanied by a representative from Downtown Legal Services. During this meeting, Ms. D█ admitted that she had committed the academic offences described above. A copy of the written admission of guilt that Ms. D█ signed on that day is included in the JBD at Tab 9.

D. Plagiarism in CCT 314

18. In Winter 2013, Ms. D█ enrolled in CCT314H5S – Representation in Language, Mind and Art (“Representation”), which was taught by Dr. Anil Narine. A copy of the course outline for Representation is found in the JBD at Tab 10.

19. The assessment in Representation included a Final Paper, which was worth 35% of the final grade. The paper was due on April 3, 2013, approximately three weeks after Ms. D█ met with Professor Graham to admit that she had committed academic offences in Anatomy.

20. On or about April 3, 2013, Ms. D█ submitted an essay titled “Lady Gaga and the Gaze” for academic credit in Representation (“Lady Gaga Paper”). A highlighted copy of the Lady Gaga Paper is Ms. D█ is included in the JBD Tab 11.

21. The teaching assistant in Representation graded the Lady Gaga Paper. She noticed that its content was very similar to a paper submitted previously in a different course, CCT 210 in Summer 2011. Further investigation located a copy of the paper Ms. D█ submitted in CCT 201, which was titled “The Modern Gaze”. A copy of The Modern Gaze is included in the JBD at Tab 12.

22. Before submitting the Lady Gaga Paper Ms. D█ discussed The Modern Gaze in a meeting with Dr. Narine. Dr. Narine emphasized the hazards of using the same topic twice. Ms.

D█ advised him that she would be answering a different research question and using a different thesis. On that basis, Dr. Narine indicated that Ms. D█ could proceed to write a paper in a similar area as the Modern Gaze.

23. Lengthy passages of the Lady Gaga Paper are taken verbatim, or nearly verbatim, from the Modern Gaze. There is very little original scholarship in the Lady Gaga Paper and it contained no reference to the Modern Gaze. Ms. D█ admits that this is not what Dr. Narine approved that she could do with the second paper. Ms. D█ acknowledges that by submitting the Lady Gaga Paper she knowingly submitted:

- (a) academic work for which credit had previously been obtained in another course in the University, without the knowledge and approval of the instructor to whom it was submitted, contrary to section B.I.1(e) of the Code; and
- (b) work in which she represented as her own an idea or expression of an idea or work of another, contrary to section B.I.1(d) of the Code.

24. On August 13, 2013, Ms. D█ met with Professor Catherine Seguin, Dean's Designate for Academic Integrity at the University of Toronto Mississauga to discuss the allegations that she had violated the Code. Ms. D█ was accompanied by a representative from Downtown Legal Services. During this meeting, Ms. D█ admitted that she had committed the academic offences described above. A copy of the written admission of guilt that Ms. D█ signed on that day is included in the JBD at Tab 13.

25. Ms. D█ acknowledges that she is signing this ASF freely and voluntarily, and knowing the potential consequences she faces. Ms. D█ acknowledges that the Provost has provided her with the opportunity to obtain legal advice and that she has consulted with Downtown Legal Services before signing this ASF. Ms. D█ acknowledges that the Provost has provided her with

no assurances regarding what sanction the Provost may request the Tribunal to impose in this case.

Signed on January 13, 2014.



N [redacted] D [redacted]

Signed on January 13, 2014.

A handwritten signature in black ink, appearing to read "Robert A. Centa", written over a horizontal line.

Robert A. Centa
Assistant Discipline Counsel
University of Toronto

APPENDIX B

unsigned but with Tab.

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

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BETWEEN:

THE UNIVERSITY OF TORONTO

- AND -

N ■■■■■ D ■■■■

AGREED STATEMENT OF FACTS AND JOINT SUBMISSION ON PENALTY

1. This hearing arises out of charges of academic misconduct filed by the Provost of the University of Toronto (the "Provost") under the Code of Behaviour on Academic Matters ("Code"). For the purpose of this hearing, the Provost and N ■■■■■ D ■■■■ ("Ms. D ■■■■") have prepared this Joint Submission on Penalty and Agreed Statement of Facts ("JSP"). The Provost and Ms. D ■■■■ agree that:

- (a) each document attached to the JSP may be admitted into evidence at 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 indicates that it was sent or received by someone, that is prima facie proof that the document was sent and received as indicated.

A. Joint Submission on Penalty

2. The Provost and Ms. D ■■■■ submit that, in all the circumstances of the case, the University Tribunal should impose the following sanctions on Ms. D ■■■■:

- (a) a final grade of zero in the courses BIO 210 Y5Y and CCT 314 H5S;
- (b) a suspension from the University from the day the Tribunal makes its order until January 13, 2019, subject to permitting her to write one deferred exam as described below; and
- (c) a notation of the sanction on her academic record and transcript until the date Ms. D█ graduates from the University.

3. The parties agree that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University newspapers, with the name of the student withheld.

B. 2009 Prior Offences

4. In Fall 2009, Ms. D█ enrolled in the course BIO 318, which was taught by Darryl Gwynne. As part of the course requirements, Ms. D█ submitted two lab reports, which were each worth 4% of the final grade in BIO 318.

5. The lab reports submitted by Ms. D█ contained text that was identical to lab reports previously submitted by another student. Ms. D█ admitted that she committed the offence.

6. On April 29, 2010, Robert Reisz, Professor and Chair of the Biology Department at the University of Toronto Mississauga, wrote to Ms. D█ and indicated that he was imposing a mark of zero on each assignment. A copy of that letter is attached to this JSP at Tab 1.

C. Deferred exam

7. In Fall 2013, Ms. D█ registered in RLG205H5 – Introduction to South Asian Religions. Ms. D█ did not write the examination in the course due to illness. On December 15, 2013, she was given permission to write a special deferred examination during the February 2014 special exam period. Ms. D█ has otherwise completed all of the course work in RLG205H5. The parties submit that it would be appropriate in the circumstances to permit Ms. D█ to write the deferred examination in February 2014, instead of waiting until the completion of the five year suspension.

C. Acknowledgments

8. Ms. D ■ acknowledges that:

- (a) the Provost has advised Ms. D ■ of her right to obtain legal counsel and that Ms. D ■ has done so;
- (b) she is signing this JSP freely and voluntarily, knowing of the potential consequences she faces, and does so with the advice of counsel.

Signed on January , 2014.

N ■ D ■

Signed on January 10 , 2014.



Robert A. Centa
Assistant Discipline Counsel
University of Toronto

C. *Acknowledgments*

8. Ms. D [redacted] acknowledges that:

- (a) the Provost has advised Ms. D [redacted] of her right to obtain legal counsel and that Ms. D [redacted] has done so;
- (b) she is signing this JSP freely and voluntarily, knowing of the potential consequences she faces, and does so with the advice of counsel.

Signed on January 8th 2014.

[redacted signature]

N [redacted] C [redacted]

Signed on January , 2014.

Robert A. Centa
Assistant Discipline Counsel
University of Toronto



Biology
UNIVERSITY OF TORONTO
MISSISSAUGA

April 29, 2010

Personal and Confidential

Ms. N [REDACTED] D [REDACTED]
[REDACTED]
[REDACTED]

Dear Ms. D [REDACTED]:

RE: Academic Dishonesty – BIO318Y5 Assignment, Spring 2010

I refer to the academic offence which occurred during a recent assignment for BIO318Y5 brought to my attention by Dr. Darryl Gwynne, course instructor.

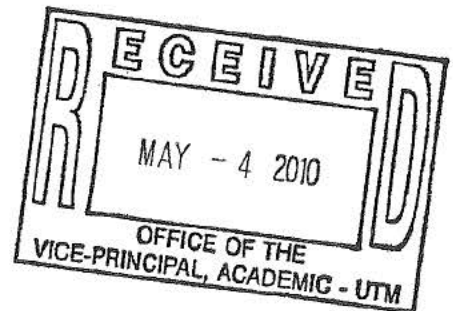
In your interview with Dr. Gwynne on April 27, 2010, you admitted to copying (from a previous year's marked assignment) and submitting for grading parts of two different lab reports, which constitutes use of an unauthorized source. Under section C.I.(a) 8 of the University's Code of Behaviour on Academic Matters, (available on line at: <http://www.utoronto.ca/govcncl/pap/policies/behaveac.html>), I therefore impose a sanction of a grade zero (0) for these course components of BIO318Y5.

I trust that you have had time to reflect on the seriousness of this incident and will not commit another academic offence. If you have any questions regarding this sanction, please feel free to contact my office.

Sincerely,

Robert Reisz, PhD
Professor and Chair

cc. Office of the Dean
Dr. Darryl Gwynne



original fully
signed.

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

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BETWEEN:

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- (a) each document attached to the JSP may be admitted into evidence at 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 indicates that it was sent or received by someone, that is prima facie proof that the document was sent and received as indicated.

A. *Joint Submission on Penalty*

2. The Provost and Ms. D [REDACTED] submit that, in all the circumstances of the case, the University Tribunal should impose the following sanctions on Ms. D [REDACTED]:

- (a) a final grade of zero in the courses BIO 210 Y5Y and CCT 314 H5S;
- (b) a suspension from the University from the day the Tribunal makes its order until January 13, 2019, subject to permitting her to write one deferred exam as described below; and
- (c) a notation of the sanction on her academic record and transcript until the date Ms. D█ graduates from the University.

3. The parties agree that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University newspapers, with the name of the student withheld.

B. 2009 Prior Offences

4. In Fall 2009, Ms. D█ enrolled in the course BIO 318, which was taught by Darryl Gwynne. As part of the course requirements, Ms. D█ submitted two lab reports, which were each worth 4% of the final grade in BIO 318.

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C. Deferred exam

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C. Acknowledgments

8. Ms. D ■ acknowledges that:
- (a) the Provost has advised Ms. D ■ of her right to obtain legal counsel and that Ms. D ■ has done so;
 - (b) she is signing this JSP freely and voluntarily, knowing of the potential consequences she faces, and does so with the advice of counsel.

Signed on January 13, 2014.


D ■

Signed on January 13, 2014.



Robert A. Centa
Assistant Discipline Counsel
University of Toronto