

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on January 24, 2017,

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 -

Z [REDACTED] [REDACTED] S [REDACTED]

REASONS FOR DECISION

Hearing Date: June 16, 2017

Panel Members:

Ms. Dena Varah, Barrister and Solicitor, Chair
Professor Louis Florence, Faculty Panel Member
Ms. Sophie Barnett, Student Panel Member

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland, Barristers
Mr. Z [REDACTED] [REDACTED] S [REDACTED], Student
Ms. Clara Ryu, Downtown Legal Services ("DLS"), Student Counsel for Z [REDACTED] [REDACTED]
S [REDACTED]
Ms. Lucy Gaspini, Manager, Academic Integrity and Affairs, Office of the Dean,
University of Toronto Mississauga
Ms. Alexandra Di Blasio, Academic Integrity Assistant, University of Toronto
Mississauga

In Attendance:

Ms. Krista Osbourne, Administrative Clerk and Hearing Secretary
Mr. Sean Lourim, Technology Assistant, Office of the Governing Council

REASONS FOR DECISION

1. The Trial Division of the University of Toronto Tribunal was convened on June 16, 2017 to consider charges advanced by the University of Toronto (the "University") against Z██████████ S██████████ (the "Student") under the Code of Behaviour on Academic Matters (the "Code").

PART 1 - THE CHARGES

2. The Student is charged with three offences under the Code:

- (a) On or about December 9, 2015, you knowingly falsified a document or evidence required by the University of Toronto ("University"), or uttered, circulated or made use of any such forged, altered or falsified document, namely, a University Verification of Student Illness or Injury Form dated December 9, 2015, which you submitted to the University in support of your request for academic accommodation in GGR353H5F: The Geography of Health & Health Care, contrary to Section B.I.1(a) of the Code.
- (b) In the alternative to charge 1 above, on or about December 9, 2015, 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 submission of a University Verification of Student Illness or Injury Form dated December 9, 2015, contrary to Section B.I.3(b) of the Code.

(c) In or about January, 2016, 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 your enrolment in the following courses at a time when you were suspended from the University, contrary to Section B.I.3(b) of the Code:

- (i) RLG204H5S
- (ii) ENG205H5S
- (iii) GGR217H5S
- (iv) GGR252H5S
- (v) GGR214H5S
- (vi) PSY362H5S
- (vii) PSY220H5S

PART 2 - AGREED STATEMENT OF FACTS AND PLEA

3. At the outset of the hearing, Discipline Counsel advised that the University and the Student had entered into an Agreed Statement of Facts. The Agreed Statement of Facts is attached hereto as **Appendix "A"**.

4. Pursuant to the Agreed Statement of Facts, the Student pled guilty to Charges 1 to 3 listed above. Discipline Counsel advised that if the Tribunal accepted the plea on Charge 1, then it would withdraw Charge 2.

5. The Student admitted that he knowingly submitted a falsified medical note for the purposes of obtaining an academic accommodation in the form of a deferred exam. The Student also admitted that he enrolled in courses for academic credit while he was suspended.

6. The Student was in attendance with the assistance of student counsel from DLS and confirmed that he pled guilty to the charges as provided in the Agreed Statement of Facts.

7. The details of the charges are set out in the Agreed Statement of Facts and are supported by documents contained in the Joint Book of Documents. The essential elements of the charges are set out below.

PART 3 - THE FACTS UNDERLYING THE CHARGES

8. At all material times the Student was registered at the University of Toronto, Mississauga.

9. In the Fall of 2015, the Student was enrolled in GGR353H5F which held the final examination worth 35 percent of the course mark on December 7, 2015. The Student did not attend that final examination on December 7, 2015. On December 8, 2015, the Student submitted a petition in which he sought permission to write a deferred final exam in GGR353H5F as an academic accommodation indicating that illness prevented him from writing the examination on December 7, 2015.

10. On December 11, 2015, in support of his petition, the Student provided a Verification of Student Illness or Incapacity Form (the "Medical Form") from Dr. P.

Stevanoski. The Medical Form was dated December 9, 2015. On the Medical Form, Dr. Stevanoski indicated that the Student's medical incapacity started on December 8, 2015. The student subsequently wrote the number 7 on top of the number 8 on the start date of the Medical Form without Dr. Stevanoski's knowledge or consent.

11. The Student falsified the Medical Form by changing the start date from December 8 to December 7 to make it appear that the Medical Form covered the December 7, 2015 date of the final examination in GGR353H5F when it did not in fact do so. The Student submitted the Medical Form knowing it contained false information in order to obtain an academic accommodation in the form of the deferred exam.

12. On January 1, 2016 to August 31, 2016, the Student was suspended from the University, having been found guilty of academic misconduct in a course in which he was enrolled in the Winter 2015 term.

13. Despite being aware that he was not entitled to enroll in courses during the period of suspension, the Student enrolled in seven courses in January 2016 as follows:

- (i) RLG204H5S from January 4 to February 29, 2016;
- (ii) ENG205H5S from January 4 to January 12, 2016;
- (iii) GGR217H5S from January 6 to February 29, 2016;
- (iv) GGR252H5S from January 6 to January 17, 2016;
- (v) GGR214H5S from January 7 to January 17, 2016;
- (vi) PSY362H5S from January 12 to February 29, 2016; and,

(vii) PSY220H5S from January 17 to February 3, 2016.

14. The Student sought and obtained academic credit for work completed in each of RLG204H5S, GGR217H5S, and PSY362H5S while he was suspended from the University.

15. The University provided an activity log for the Student log-in on the ROSI System, which showed that he dropped these final three courses only after the University had contacted him to discuss the matter.

PART 4 - DECISION ON CHARGES

16. The Tribunal reviewed the Agreed Statement of Facts, the documents in support thereof, and considered the submissions of Discipline Counsel. After deliberations, the Tribunal determined that the evidence proved Charges 1 and 3 and accepted the guilty plea entered by the Student.

17. As a result, the University withdrew Charge 2. The Tribunal makes no findings or determinations with respect to this charge.

PART 5 - PENALTY

18. The University and the Student provided an Agreed Statement of Facts on Sanction and a Joint Submission on Penalty. The document is attached hereto as **Appendix "B"**.

19. The joint submission on penalty was as follows:

(a) a final grade of zero in each of:

- (i) GGR353H5F (Fall 2015);
 - (ii) RLG204H5S (Winter 2016);
 - (iii) GGR217H5S (Winter 2016); and,
 - (iv) PSY362H5S (Winter 2016);
- (b) immediate suspension from the University commencing on the day the Tribunal makes its order for a period of five years, from June 16, 2017 to June 15, 2022; and,
- (c) a notation of the sanction on his academic record and transcript from the date the Tribunal makes its order until Mr. S [REDACTED] graduates from the University.

20. The parties agree the case shall be reported to the Provost for publication of a notice of the Decision of the Tribunal and the sanction reported in the University newspapers, with the name of the Student withheld.

21. The Agreed Statement of Facts on Sanction provided that the Student had been sanctioned for two prior academic offences.

22. On the first offence, the Student admitted to submitting work for academic credit that contained passages copied from another student. The matter was resolved at the Department Level.

23. On September 17, 2015, the Student admitted to possessing notes relating to a course during the writing of a final exam worth 46 percent of the final grade. He pleaded

guilty to the charge of using or possessing an unauthorized aid with a resolution being a final grade of zero, a suspension from the University for eight months starting January 1, 2016 and an annotation on his transcript for 24 months from September 17, 2015 to September 16, 2017.

24. In both of these offences, the Student was cautioned not to commit another academic offence. In relation to the second offence, he was advised that subsequent allegations of academic misconduct will usually be referred to the Tribunal.

PART 6 - SUBMISSIONS ON PENALTY

25. Discipline Counsel provided a Book of Authorities supporting the joint submission on penalty. She noted that a joint submission on penalty must generally be accepted by a panel provided it will not bring the administration of justice into disrepute.

26. Discipline Counsel referred to several cases in which a five year suspension was imposed and submitted that it was a very serious penalty, in that it was often difficult for a student to re-enroll. She submitted that given the serious nature of the offences and the Student's previous history, this was an appropriate result.

27. Ms. Ryu also submitted that this was an appropriate penalty. She submitted that unlike the cases involving plagiarism, the Student's grades were still of his own work, even if he attempted to obtain a benefit through forgery. She also agreed that five years is very impactful and it may be difficult for him to recover his academic career. It will require a significant amount of hard work on his part to re-enroll and to graduate.

PART 7 - THE DECISION ON PENALTY

28. The Tribunal was satisfied that the joint submission on penalty must be accepted as it does not bring the administration of justice into disrepute. It further found that the proposed penalty is appropriate in the circumstances.

PART 8 - THE ORDER

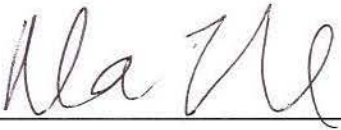
29. Accordingly, the Panel imposes the following penalty:

- (a) that the Student is guilty of one count of forgery and one count of academic misconduct, contrary to sections B.I.1(a) and B.I.3(b) of the Code of Behaviour on Academic Matters;
- (b) that the Student receive a final grade of zero in each of the following courses:
 - (i) GGR353H5F (Fall 2015)
 - (ii) RLG204H5S (Winter 2016)
 - (iii) GGR217H5S (Winter 2016)
 - (iv) PSY362H5S (Winter 2016);
- (c) that the Student be immediately suspended from the University for a period of five years, commencing on June 16, 2017 and ending on June 15, 2022;
- (d) that the sanction be recorded on the Student's academic record and transcript to the effect that he was sanctioned for academic misconduct

commencing on June 16, 2017, and ending upon Mr. S [REDACTED]'s graduation from the University; and

- (e) 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, with the name of the Student withheld.

DATED at Toronto this 5th day of September, 2017.

A handwritten signature in cursive script, appearing to read 'Dena Varah', written over a horizontal line.

Dena Varah, Co-Chair