

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER of charges of academic dishonesty made on September 27, 2006;

AND IN THE MATTER of the University of Toronto *Code of Behaviour on Academic Matters, 1995*;

IN THE MATTER of the *University of Toronto Act, 1971*, S.O. 1971, c. 56, as amended S.O. 1978, c.88;

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

M.A.

Members of the panel:

- Ms. Jane Pepino, Chair
- Professor Marc Lewis, Faculty
- Ms. Melany Bleue

Appearances:

- Mr. Steve Frankel, Student Legal Representative, Downtown Legal Services
- Mr. Mike Hamilton, Assistant Legal Representative, Downtown Legal Services
- M.A., the Student

- Mr. Robert Centa, Assistant Discipline Counsel for the University of Toronto
- Ms. Lucy Gaspini, Dean's Designate, University of Toronto at Mississauga

REASONS FOR DECISION

1. A panel of the Trial Division of the University Tribunal was convened on July 16, 2007 to hear charges under the *Code of Behaviour on Academic Matters, 1995* (the "Code") laid against the Student, by letter of September 27, 2006 from the Vice-Provost, Academic, Professor Edith Hillan.

Hearing on the Facts

2. The charges are as follows:
 - i. Contrary to section B.i.1(a) of the *Code*, you knowingly forged or in any other way altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such forged, altered or falsified document, namely a medical note that you submitted on or about March 27, 2006, in connection with a test you missed on March 21, 2006 in PSY213H6.
 - ii. In the alternative, contrary to section B.i.3(b) of the *Code*, 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 by submitting to the University of Toronto on or about March 27, 2006, a falsified and/or altered medical note in connection with a test you missed on March 21, 2006, in PSY213H5.
 - iii. Contrary to section B.i.1(d) of the *Code*, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in connection with your paper titled "Kripke's Puzzle and Millianism", which you submitted on or about March 29, 2006, in partial fulfillment of the course requirements in PHL340H5.
 - iv. Contrary to section B.i.1(b) of the *Code*, you knowingly obtained unauthorized assistance in connection with your paper titled "Kripke's Puzzle and Millianism", which you submitted on or about March 29, 2006, in partial fulfillment of the course requirements in PHL340H5.
 - v. In the alternative, contrary to section B.i.3(b) of the *Code*, you did knowingly engage 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, by submitting your paper titled "Kripke's Puzzle and Millianism", which you submitted on or about March 29, 2006, in partial fulfillment of the course requirements in PHL340H5.
3. At the outset of the hearing, the Tribunal was advised that the matter would proceed on an Agreed Statement of Facts dated May 9, 2007. (See Appendix 1).
4. The Student, through her representative, pleaded guilty to charges 1 and 3. Counsel for the University advised that he was relying on charges 2, 4, and 5 only if the panel was not prepared to find the Student guilty of charges 1 and 3.

Decision of the Tribunal

5. After reviewing the Agreed Statement of Facts, and hearing submissions from both parties, the Tribunal accepted the plea and found that the facts support findings of contraventions of the *Code* as set out in charges 1 and 3. Accordingly, the panel found the Student guilty of charges 1 and 3 and delivered its decision orally at the hearing. The University withdrew the remaining charges.

Penalty Phase

6. The parties submitted an Agreed Statement of Facts and Joint Submission on Penalty, dated May 9, 2007. (See Appendix 2). The following sanctions were recommended in the joint submission:
 - assignment of a grade of zero in:
 - PHL340H5 (Issues in Philosophy of Mind) for the 2006 Winter term
 - PSY213H5 (Adult Development and Aging) for the 2006 Winter term;
 - suspension from attendance at the University of Toronto for a period of 3 years, from June 23, 2006 to June 23, 2009;
 - notation on the Student's transcript for a period of 3 years, from June 23, 2006 to June 23, 2009, to the effect that she was sanctioned for academic misconduct;
 - report to the Provost, who may publish a notice of the decision of the Tribunal and the sanction or sanctions imposed with the Student's name withheld.
7. The panel inquired about the reasoning behind the penalty, especially the leniency of the penalty in respect of the plagiarism offence. Discipline counsel explained that there were two mitigating factors in the Student's favour: 1) she admitted guilt early in the process and cooperated fully with the University; 2) the two offences occurred at approximately the same time with no intervention between the two. Therefore, the University is satisfied that the proposed penalty will send an adequate message to convey the seriousness of the offences, yet will permit the rehabilitation of the academic relationship between the Student and the University. Discipline counsel expressed confidence in the proposed penalty as a means of vindicating the academic integrity of the University.
8. The panel acknowledges the factors identified by counsel and, in our view, the penalty suggested in the joint submission is appropriate and we so order:
 - Final grades of zero shall be assigned in:
 - PHL340H5 (Issues in Philosophy of Mind) for the 2006 Winter term
 - PSY213H5 (Adult Development and Aging) for the 2006 Winter term;

- The Student shall be suspended from attendance at the University of Toronto for a period of 3 years, from June 23, 2006 to June 23, 2009;
- A notation shall be placed on the Student's transcript for a period of 3 years, from June 23, 2006 to June 23, 2009, to the effect that she was sanctioned for academic misconduct;
- A report shall be made to the Provost, who may publish a notice of the decision of the Tribunal and the sanction or sanctions imposed with the Student's name withheld.

Dated at Toronto this 22nd day of October 2008


Jane Pepino, Chair