

**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*,

**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 -  
**Ms. Z. A.**

**Members of the Panel:**

Ms. Laura Trachuk, Chair  
Professor Melanie Woodin, Faculty Panel Member  
Mr. Gaurav Nagla, Student Panel Member

**Appearances:**

Mr. Robert Centa, Counsel for the University of Toronto  
Ms. A., the Student, did not appear

**In attendace:**

Ms. Gerda Grecko, Supervisor of Student Records, Ryerson Polytechnic University  
Ms. Barbara Patterson, Associate Director, University of Toronto Transcript Centre.

**Preliminary**

[1] The Trial Division of the University Tribunal was convened on March 21, 2007 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 27, 2006 from Professor Edith Hillan, Vice-Provost, Academic.

[2] The panel of the Tribunal was made up of Mr. Gaurav Nagla, a student; Ms. Laura Trachuk, outside legal counsel; and Dr. Melanie Woodin, a professor. Counsel for the University was Mr. Robert Centa. The Student was not represented and did not attend the hearing.

[3] Mr. Centa presented the panel with the order given by Ms. Patricia Jackson, Senior Chair of the University Tribunal, to discipline counsel regarding service of documents and hearing date. The instructions include a chronology of attempts by discipline counsel to communicate

with the Student, to advise her of the seriousness of the charges and the proceedings of the Tribunal, to provide her with disclosure, and to provide her with notice of hearing.

[4] Mr. Centa also presented the panel with an email from the Student dated March 19, 2007 in which she acknowledged receipt of the charges sent by Professor Hillan, dated September 27, 2006, and the Notice of Hearing, dated February 16, 2007. In that email the Student asked that the University proceed in her absence, since she was unable to travel to Toronto for the hearing.

[5] After considering the chronology of events, the order of Senior Chair Jackson, and the submissions of counsel, the panel was satisfied that the provisions concerning reasonable notice of charges and hearing, as specified in Section C II (a) in the *Code* and Section 6 of the *Statutory Powers Procedure Act* (“SPPA”), had been met and that the University could proceed with the hearing in the Student’s absence.

### **Hearing on the Facts**

[6] The charges are as follows:

1. In June or July 1998, 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 document which purported to be your official transcript from Ryerson Polytechnic University, contrary to Section B.I.1(a) of the Code.
2. In the alternative, in June or July 1998, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in order to obtain academic credit or other academic advantage of any kind by submitting to the University of Toronto a document that purported to be your official transcript from Ryerson Polytechnic University contrary to Section B.I. 3(b) of the Code.
3. On or about January 2004, you knowingly forged or in any other way altered or falsified an academic record, and/or uttered, circulated or made use of such forged, altered or falsified record, namely, a document which purported to be your Transcript of Consolidated Academic Record from the University of Toronto, which you submitted to the College of Dentistry at the University of Saskatchewan, contrary to Section B.I. 3(a) of the Code.
4. In the alternative, on or about January 2004, you did knowingly engage in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in order to obtain academic credit or other academic advantage of any kind, namely, by submitting a document which purported to be your Transcript of Consolidated Academic Record, to the College of Dentistry at the University of Saskatchewan, contrary to Section B.I. 3(b) of the Code.

[7] Particulars of the charges are as follows:

1. In 1998 you applied for admission to the University of Toronto. You submitted to the University of Toronto a document, which was dated June 19, 1998, that purported to be your official transcript from Ryerson Polytechnic University. That document did not accurately reflect your academic record at Ryerson Polytechnic University.
2. The University of Toronto relied on the document you submitted, admitted you as a student, and granted you 4.5 transfer credits towards your degree.
3. Between 1998 and 2000 you earned 4.9 credits at the University of Toronto. At no time did you receive a degree from the University of Toronto.
4. You subsequently applied for admission to the College of Dentistry at the University of Saskatchewan ("College"). You submitted to the College a document that purported to be your Transcript of Consolidated Academic Record from the University of Toronto. This document falsely indicated that you graduated from the University of Toronto with an Honours Bachelor of Science degree, which was conferred with distinction, in June 2002.
5. The document you submitted to the College was not in fact an official Transcript of Consolidated Record from the University of Toronto. It did not reflect accurately your academic record at the University of Toronto.

[8] The University called two witnesses: Ms. Gerda Grecko, Supervisor of Student Records, Ryerson Polytechnic University and Ms. Barbara Patterson, Associate Director, University of Toronto Transcript Centre.

[9] Ms. Grecko provided the tribunal with an official copy of the Student's academic record from Ryerson Polytechnic University. A comparison of the Student's official Ryerson Polytechnic University transcript and the document submitted by the Student to the University of Toronto revealed discrepancies. The transcript submitted by the Student indicated that seven marks had been altered to reflect higher marks than those the Student had received; three marks were entered for courses in which the Student had not been registered; one course in which the Student received a failing grade had been removed.

[10] Ms. Patterson testified that the Director of Admissions at the University of Saskatchewan had contacted her on January 16, 2006 to verify the Student's academic credentials. A comparison of the Student's official University of Toronto transcript and the document submitted by the Student to the University of Saskatchewan revealed discrepancies. The transcript submitted by the Student revealed that marks had been altered to reflect higher marks than those the student had received and the following "Graduation Summary" had been added: "Honours Bachelor of Science Conferred – June 2002 with Distinction". On further examination, Ms. Patterson recognized that the transcript provided to the University of Saskatchewan by the Student was actually the academic record of another University of Toronto student.

### **Decision of the Tribunal**

[11] Counsel for the University advised that he was relying on charges 2 and 4 only, if the panel was not prepared to find the Student guilty of charges 1 and 3.

[12] Following deliberation, the panel was satisfied that counsel for the University had proved charges 1 and 3 on clear and compelling evidence. 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**

[13] The University submitted that the appropriate penalty in the circumstance was:

That the Tribunal recommend to the President of the University of Toronto that the Student be expelled from the University

[14] In addition, the University requested that a report of the decision be made to the Provost for publication in the University's newspaper with the Student's name withheld.

[15] The University placed a Book of Authorities before the panel so that it might have an opportunity to review several decisions of other panels of the University Tribunal in similar cases. In particular, the panel reviewed the criteria for sanction first proposed by the late and former Mr. Justice Sopinka in the matter of the appeal of Mr. C. (November 5, 1976). According to these guidelines, the Tribunal should consider the following six criteria when deciding on an appropriate sanction:

- a) the character of the person charged;
- b) the likelihood of a repetition of the offence;
- c) the nature of the offence committed;
- d) any extenuating circumstances surrounding the commission of the offence;
- e) the detriment to the University occasioned by the offence;
- f) the need to deter others from committing a similar offence.

### **Sanction and Reasons**

[16] Following submissions about penalty, including a review of Tribunal Decision about sanctions, the panel deliberated. The panel first considered the nature of the offence. The alteration of University records, particularly the alteration of the official transcript of the University, is among the most serious offences a student can commit. The panel noted that the

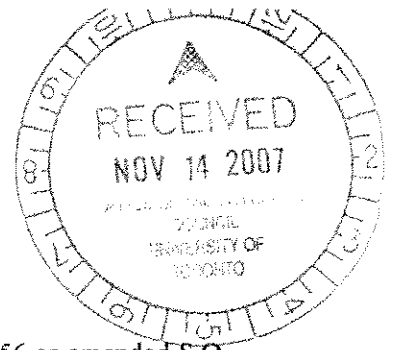
Student grossly falsified academic records for her personal benefit on two occasions. The panel had no evidence of any extenuating circumstances.

[17] The falsification of academic records affects all members of the University community. The University's records must be reliable and be seen to be so. The University must therefore be rigorous in protecting the integrity of its records.

[18] The penalty of expulsion reflects the seriousness of the offence and will provide a deterrent to others who may contemplate similar actions. It sends the message that the University takes such matters extremely seriously.

[19] The panel therefore recommends the following sanctions:

1. That the President of the University of Toronto expel the Student from the University
2. That the decision in this case be reported to the Provost for publication in the University's newspaper with the Student's name withheld



**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

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

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

BETWEEN:

**THE UNIVERSITY OF TORONTO**  
- and -  
**Mr. S. B.**

**Members of the Panel:**

- Mr. Raj Anand, Chair
- Professor Bruno Magliocchetti, Faculty Panel Member
- Mr. Christopher Oates, Student Panel Member

**Appearances:**

- Ms. Lily Harmer, Assistant Discipline Counsel for the University
- Mr. Steve Frankel, Law Student, Counsel for the Student
- Mr. S. B., the Student, in attendance

**In attendance:**

Dr. Kristina Gourlay, Manager, Office of Student Academic Integrity  
Mr. Mike Nicholson, Office of Student Academic Integrity

**Preliminary**

[1] The Trial Division of the University Tribunal was convened on September 6, 2007 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters*, 1995 (the *Code*) laid against the Student by letter dated November 1, 2005 from Professor Edith Hillan, Vice-Provost, Academic.

**Hearing on the Facts**

[2] The charges are as follows:

1. In or about April 2005 you knowingly represented as your own, an idea or expression of an idea and/or work of another in "Buddhism on Sexuality and Enlightenment", an

essay that you submitted to fulfill the course requirements of RLG314H1, contrary to section B.i.1.(d) of the *Code of Behaviour on Academic Matters (the Code)*.

2. In or about April 2005, you knowingly submitted an academic work containing a purported statement of fact or reference to a source which has been concocted in "Buddhism on Sexuality and Enlightenment", an essay that you submitted to fulfill the course requirements of RLG314H1, contrary to section B.i.1.(f) of the *Code*.
3. In the alternative, in or about April 2005, 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 in "Buddhism on Sexuality and Enlightenment", an essay that you submitted to fulfill the course requirements of RLG314H1, contrary to section B.i.3.(b) of the *Code*.

[3] Particulars of the charges were as follows:

1. At all material times you were a student in RLG314H1 taught by Professor Klassen during the winter term of academic year 2004-2005.
2. You submitted an essay, "Buddhism on Sexuality and Enlightenment", in or about April 2005, in completion of the course requirements in RLG314H1.
3. Significant portions of this essay were reproduced verbatim, or nearly verbatim, from unacknowledged internet sources.
4. This essay referenced sources which were concocted.
5. The Student pleaded not guilty to all charges, and the parties called their evidence.

[4] The University called two witnesses: Professor Pamela Klassen and Professor David Smith.

[5] Professor Klassen testified that repeated efforts were made to educate students on the seriousness of plagiarism. For example, the course syllabus for RLG314H1 contained material on plagiarism and tips on how to write papers. In addition, four essay-writing tutorials were provided for students, the purpose of which was to teach students about citation formats, the citation of primary and secondary sources, and truth in essay writing. Although students were not required to attend the tutorials, they were strongly encouraged to do so. Professor Klassen explained that the course requirements included a final research paper for which students were expected to engage in research using primary sources, that is, conduct interviews, read diaries and letters, investigate cultural artifacts, etc. Students were required to append to their research papers a signed declaration, stating: "I have read the document *How Not to Plagiarize* and I have not plagiarized in writing this paper."

[6] Discipline counsel then questioned Professor Klassen about the Student's research paper. On direct examination, Professor Klassen demonstrated to the panel the extensive

similarities between the Student's research paper and several internet websites. Moreover, many citations contained in the research paper to print material did not correspond with the actual texts cited. Professor Klassen also testified that the Student did not attach the signed declaration mentioned above as required.

- [7] Professor David Smith, Dean's Designate for Judicial Affairs, Faculty of Arts and Science, testified that he met with the Student in August 2005. The meeting began with a reading by Professor Smith of the "Dean's Warning" as it appears in the *Code* [Section C.i.(a).6]. The purpose of that meeting was to investigate the allegations of plagiarism against the Student. Professor Smith reviewed with the Student the meaning of plagiarism and the manner in which academic papers must be written in order to conform to the *Code*. The Student's responses indicated to Professor Smith that the Student had an adequate understanding of plagiarism and that he knew how to implement citation rules to avoid committing plagiarism.
- [8] Professor Smith testified that, during this meeting, the allegation that the Student had plagiarized from the internet was discussed. The Student told Professor Smith that he had obtained material not from the internet, but from a personal interview with a Buddhist monk, who had visited the Student in Toronto. The Student claimed that he had recorded the interview; however, he did not furnish Professor Smith with the recording, nor was he requested to do so. Professor Smith led the Student through a close comparison of the research paper and the internet source, pointing out those portions of the paper that were identical to the internet source. The Student adamantly denied using the internet as a research source when he wrote the paper.
- [9] Professor Smith and the Student were unable to resolve the issue. Consequently, Professor Smith explained to the Student that the matter would have to be referred to the Provost. The Student was encouraged to seek legal representation before having to appear before the Tribunal. Upon hearing this, the Student became very upset. He offered to plead guilty, if Professor Smith would agree to resolve the issue at the decanal level, rather than forwarding it on to the Provost.
- [10] In cross-examination, counsel for the Student questioned Professor Smith about the Student's offer to plead guilty at the decanal level, specifically, whether it was perceived to be a genuine, true confession of guilt. Professor Smith testified that he did not believe that it was such a confession; rather he perceived an element of expediency to it.
- [11] The panel questioned Professor Smith about the elapsed time between the offence being committed in April 2003 and the meeting with the Student in August 2005 and how Professor Smith came to learn of the allegations. Professor Smith could not recollect the date on which the allegations were first reported to his office. He testified that there had been staffing issues during that interval and that those issues may have contributed to the delay in bringing the case to his attention.
- [12] The panel asked if Professor Smith questioned the Student about the concoction allegations in addition to the plagiarism allegations at the August 2005 meeting.



Professor Smith testified that the two issues were intertwined, so that by investigating the plagiarism he had considered the concoction allegation. From the University's perspective, the extensive similarity between the internet source and the Student's paper established that the personal interview had been concocted as a source of research.

- [13] On examination in chief, the Student testified that the individual he had interviewed as part of his research was a Buddhist monk. The Student reported that he knew the monk well, since they had lived together for 10 years in a Buddhist monastery in Thailand. The Student testified that he had recorded the interview, but he no longer had the cassette. When asked to explain why there were similarities between his paper and the internet source, the Student first suggested that karma may have contributed to the similarities. When asked again, the Student spoke of the "magic of miracle", but testified that he really did not know how to explain the similarities.
- [14] On cross-examination, the Student was asked to explain in further detail what he had meant when he spoke of the "magic of miracle". The Student was unable to clearly articulate what he had meant, but instead testified that the monk had memorized the internet source prior to their meeting and then repeated the words to the Student during the interview. The Student was then asked whether the monk had read from a piece of paper during the interview. He confirmed that, indeed, sometimes the monk had read text from a piece of paper. On further questioning, the Student affirmed that the text that the monk had read was taken from the internet.
- [15] Discipline counsel questioned the Student about his understanding of Professor Klassen's expectations, specifically the requirement to accurately cite sources referenced in research papers. The Student responded that he had understood this requirement. The Student was also asked whether he was familiar with the document *How Not to Plagiarize*. Again, the Student responded in the affirmative. The Student was asked if he recalled that Professor Klassen required students to submit a signed declaration attesting to their knowledge of and compliance with the document *How Not to Plagiarize*. The Student responded that the Professor had to work on the basis of trust. In agreement with discipline counsel, The Student further agreed with the discipline counsel that the University was built on trust and that it was impossible for every professor to police all students' research work. When asked if he had submitted the required signed declaration, the Student confessed that he had not. The Student did not feel that it was necessary, since it should have been obvious to Professor Klassen that he had not plagiarized.
- [16] The panel questioned why the Student had been prepared to plead guilty at the Dean's meeting in 2005 but was now pleading not guilty before the Tribunal. In response, the Student responded that he perceived Professor Smith to be sympathetic. He thought of Professor Smith as a guru or holy man - one who might punish him, but who would, through that punishment, also bless him. Moreover, going before the Tribunal would be a shameful experience. To avoid that shame, the Student was willing to plead guilty to Professor Smith.

### **Decision of the Tribunal**

- [17] After the panel deliberated, the Chair delivered the oral decision of the Tribunal on guilt at this point in the hearing:

“On the charge of plagiarism, the panel concluded that the explanations offered by the Student to account for the striking similarities between his paper and internet sources were not credible. As for the concoction charge, the panel noted that the citations contained within the Student’s paper did not match up to the sources cited and, therefore, the panel had to conclude that the sources were concocted. Consequently, the panel rules that the Student is guilty of both charges.”

### **Penalty Phase**

- [18] Immediately after the panel gave this oral decision, the parties led evidence and made their submissions on penalty. After deliberation, the Chair announced the Tribunal’s decision on penalty, with reasons to follow. What follows is a summary of the evidence and counsel’s submissions, as well as the panel’s reasons for the penalty decision.
- [19] The University submitted that the following penalty should be imposed:
1. A grade of zero in the course.
  2. A three year suspension.
  3. A notation of the sanction on the Student’s transcript for four years, or until the Student’s graduation from the program, whichever occurs first.
  4. A report of the decision and sanction to the Provost, for publication by the University with the name of the Student withheld.
- [20] The University re-called Professor Smith to testify about the Student’s prior offences. In short, the Student had committed two prior plagiarism offences, in RLG206Y in the spring of 2000 and in RLG323H. Professor Smith was the Dean’s designate in both cases.
- [21] The Student admitted to both offences. In the first case, he said he had been rushed, and in his haste to complete the essay, he had failed to put in quotation marks or attribute his sources properly. As a first offender, he was treated leniently. He was required to submit a new essay, and his grade on this new essay was reduced by 25%. In addition, he was cautioned for academic misconduct, and a notation to this effect was placed on his transcript for two years from July 1, 2000. Professor Smith also took what he characterized as an unusual step in supplementing his standard penalty letter (Ex. 5) by providing advice on how to avoid plagiarism in the preparation of essays.
- [22] The second offence involved an essay that was substantially copied from different sources, one of which was not listed in the bibliography. The Student’s explanation was that he was again in a hurry, and that the sources said what he wanted to say much better

than he could. The penalty, set out in the memorandum to Academic Records (Ex. 6), was more severe: zero in the course, a seven month suspension from May 15 to December 14, 2002, and a notation of academic misconduct on his transcript, for three years from May 1, 2002.

[23] Both parties put forward, and the Tribunal adopts, the six criteria for sanction first proposed by the late Mr. Justice Sopinka in his concurring decision as a member of the University Tribunal in the appeal of Mr. C. (November 5, 1976). Our conclusions under these factors, which overlap in certain respects, are set out below.

[24] **The character of the person charged**

Apart from the Student's personal circumstances, none of the evidence was in his favour. Far from an admission by the Student, all of the charges were accompanied by transparently inadequate responses: he was rushed; the source could make the point better than he could; the striking similarity between the text and various internet sources was a "miracle" or the result of his friend reciting from a notebook.

[25] **The likelihood of repetition of the offence**

This was the third offence of the same kind, committed while the notation on the Student's transcript from the second offence was still outstanding, and after he had been given specific instructions, orally and in writing, by Professor Smith in 2000 on how to avoid a repetition of the first offence.

[26] **The nature of the offence committed**

Plagiarism and concoction of sources are serious offences that go to the heart of the trust relationship upon which the University's programming is built. Interestingly, these offences appear to be both increasingly prevalent and more easily detected with the availability of the internet. It was easy for the Student to find and copy the various portions of articles in this case; conversely, when Professor Klassen's suspicions were aroused, a simple Google search readily elicited the incriminating evidence.

[27] **The extenuating circumstances surrounding the commission of the offence**

Counsel for the Student put forward two classes of evidence:

First, there was the tragic and heartbreaking history of disadvantage and dependence of his two daughters, both of whom have severe disabilities, and the impact on him and his wife, which appears to have been operative at the time of the current offences. The difficulty here for the Student is that there is a gap in causation. There is no evidence from the Student or any expert practitioner of the impact of this personal situation on the Student himself, and no evidence to tie his personal situation to a propensity for dishonesty or irrational behaviour. Indeed, he did not, up to and including the hearing before us, acknowledge any behaviour of this kind in the charges before us. However sensitive the Tribunal must be to the barriers facing him at the relevant time, there are a host of unanswered questions about the link between

his daunting responsibilities as a parent and the commission of flagrantly dishonest acts as a student.

Second, Counsel asked for consideration of the delay in prosecuting the current charges. He traced the time line:

- June 13, 2003: Professor Klassen referred the current allegations to the Dean's office (Ex. 4), saying that the Student "did not arrive for the meeting" she had scheduled with him to discuss the issues;
- June 2005: Professor Smith first attempted to contact the Student to conduct the Dean's designate's meeting with him;
- August 26, 2005: Professor Smith met with the Student;
- November 1, 2005: The Vice-Provost, Academic, informed the Student of these charges; and
- September 6, 2007: The date of the Tribunal hearing

[28] The elapsed time concerned the Tribunal, and indeed the University's counsel said her client was not proud of it. Nevertheless, it is difficult to attach any significance to the delay in terms of penalty. This is not a case of "time served" as in criminal sentencing cases. While there was a period of time in which the Student was not in class, there was no evidence as to why. See the case of Mr. S., dated August 24, 2007, in which the Appeal Board was similarly unable to attach any significance to a voluntary absence during the time span of the charges.

[29] Here, there was no motion to dismiss the charges, which were being heard almost four and a half years after the behaviour was detected. There was no protest or warning of reliance on delay by the Student until the penalty phase of this hearing, although the panel first raised the issue while Professor Smith testified about his actions in August 2005 as Dean's designate on these charges. While the charges hung over the Student's head for at least the two years that he knew about them, this was not a case in which any penalty should be backdated. See, for example, the case of Mr. S., referred to above, at paras. 53 and following; and Mr. L, Tribunal decision dated August 13, 2007, at paras. 19 and following. We agree that there must be a principled reason for such backdating, such as an early admission of guilt, or similar circumstances which dictate that the student would suffer unjustified harm as a result of the University's slowness in moving the matter to a hearing. Here, a backdated suspension would wipe out several courses that the Student had successfully completed during the currency of these proceedings.

[30] **The detriment to the University occasioned by the offence**

It hardly needs to be said that the credibility and academic mission of the University, and the degrees which it awards to its students, can be gravely harmed by the commission of offences such as plagiarism and concoction. Counsel for the Student did not suggest otherwise.

[31] **General deterrence**

For many of the reasons already described above, the Tribunal must endeavour to send a message through its decisions to the student and faculty community, as well as

the public at large, that academic cheating is intolerable and when proven, will be met with significant sanctions.

- [32] The central disagreement on penalty between the University and the Student was on the length of the suspension to be imposed. The University argued that three years was appropriate because a longer suspension would have been called for if not for some of the extenuating circumstances that the Student relied upon. The Student, on the other hand, submitted that three years was the "table amount" which should then be reduced by half or more to take account of his difficult personal circumstances.
- [33] In our view, the case law of this Tribunal supports the University's position in this case. On a purely numerical count, previous cases of "first time offenders" in cases of plagiarism and/or concoction have been met with suspensions of two years (K., June 2006; A., September, 2004; B., April, 2004 and February, 2006); three years (referred to as at the "most severe end" in L, October 8, 2004); and four years (S.). Previous cases of "repeat offenders" in such cases have resulted in suspensions of four months (W, March 25, 1998); sixteen months (K., May, 2003); three years (M.M., August 2005; and D., July, 2005); five years (L., above); and expulsion (B., February, 2007).
- [34] This summary, of course, captures only a few of the factors in Mr. Sopinka's list, most notably the nature of the offence and the degree and likelihood of repetition. A more detailed review of the decisions reveals other important evidence, such as remorse, cooperation with the University, circumstances of the offence, results flowing from different penalties, etc. Another factor seems to be a greater recognition, as time has passed, of the need for significant specific and general deterrence. In our view, we have reached a point where a serious breach of trust such as plagiarism and/or concoction should evoke a response of at least a two-year suspension for a first offence and a three year or longer suspension on a subsequent finding.
- [35] Here, a three year suspension for a third offence, having regard to the range of other circumstances that we discussed above, strikes a balance of punishment, compassion, rehabilitation and deterrence.
- [36] Counsel for the Student put forward a document indicating that his client had completed the requirements of his major program in Religion. We inquired about the significance of this point: was he entitled to graduate? Could he have obtained his degree before the hearing? What did he now require in order to graduate, given the zero he would receive in the course in question? There was no evidence from either side about the consequences of different potential penalties, and the panel expressed its concern that this was often the case in these hearings. The academic consequences of different penalties are not self-evident, particularly to an outside panel of this kind. While it may be difficult and inconvenient to anticipate and call evidence about the implications of every conceivable penalty that might be imposed, greater assistance, perhaps in the form of an agreed chart or statement, would help the Tribunal greatly.

- [37] For the reasons set out above, the Tribunal imposes the penalty requested by the University, as quoted earlier. The Tribunal reiterates its gratitude to the representatives of both parties for their skill and cooperation in presenting this difficult case to the Tribunal.

Nov. 14/07  
Date

Raj Anand  
Mr. Raj Anand, Tribunal Co-Chair

**UNIVERSITY OF TORONTO**  
**University Tribunal**

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

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

**AND IN THE MATTER** of disciplinary charges against Ms. Z. B.

Members of the panel:

- Kirby Chown, Co-Chair
- James Rini, Faculty Panel Member
- Adrian Asselin, Student Panel Member

Appearances:

- Lily I. Harmer, Assistant Discipline Counsel, for the University
  
- Joy Anne Cohen, Counsel for the Student

**BACKGROUND**

- [1] The Trial Division of the University Tribunal was convened on September 4, 2007 to consider charges brought under the *Code of Behaviour on Academic Matters, 1995* laid against Ms. Z. B. by letter dated December 5, 2006 from the Vice President and Provost, Academic, Professor Edith Hillan.
- [2] The letter contained the following charges:
1. On or about April 27, 2006, you knowingly represented as your own an idea or expression of an idea or work of another in connection with your take-home final examination submitted for academic credit in BIO332Y, contrary to Section B.1.1(d) of the *Code*;
  2. On or about April 27, 2006, you knowingly submitted your take-home final examination containing a purported statement of fact or reference to a source which has been concocted, contrary to Section B.1.1(f) of the *Code*;
  3. In the alternative, on or about April 27, 2006, 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 or other academic advantage of any kind, in connection with your take-home final examination submitted for academic credit in BIO332Y, contrary to Section B.1.3.(b) of the *Code*;
  4. On or about January 30, 2006, you knowingly represented as your own an idea or expression of an idea or work of another in connection with your essay entitled "Review: Detection of a Human Influence on North American Climate" submitted for academic credit in GGR377H5S, contrary to Section B.1.1(d) of the *Code*; and

5. In the alternative, on or about January 30, 2006 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 essay entitled "Review: Detection of a Human Influence on North American Climate" submitted for academic credit in GGR377H5S, contrary to Section B.1.3.(b) of the Code.
- [3] The particulars were provided in the same letter from Professor Hillan.
- [4] At the commencement of the hearing, the Student pled guilty to charges 1 and 4 and the University withdrew the other charges.

### THE FACTS

- [5] The parties submitted an Agreed Statement of Facts, the details of which are summarized here:
- The Student is an undergraduate student who commenced an Honours Bachelor of Arts and Science program in the Fall of 2001.
  - In the Winter 2006 academic term, she was enrolled in Global Climate Change and Freshwater Biology.

#### **Global Climate Change**

- In this course, the Student was required to write an essay worth 15% of the course mark.
- A detailed course outline was provided to all students, which included a section on penalties that could be imposed for misconduct including specific reference to plagiarism.
- For the essay assignment, the students were asked to comment upon the same article (the "Karoly article"). They were provided with a handout entitled "Paper Review Guidelines" which set out the requirements of the review assignment. The handout had attached to it a document entitled "How Not to Plagiarize" which specifically cautioned students about plagiarism. Students were provided with hard copies of these documents in class. If they missed the class, they were expected to obtain the materials themselves. The Student was not in class when the handout was presented.
- On or about January 30, 2006, she submitted her essay entitled "Review: Detection of a Human Influence on North American Climate" commenting on the Karoly article. Portions of her essay contained text that had been copied directly from the Karoly article without quotation marks or other form of citation or attribution. She did, however, cite the Karoly article in her bibliography.
- Her professor notified her that he suspected plagiarism and met with her on February 15, 2006 to discuss.

#### **Freshwater Biology**



- The course outline, which had been provided to all students, indicated that all assignments would be submitted to the “Turnitin” website for the detection of plagiarism. Turnitin is an internet based software programme that scans and compares work compared by students with material stored in its database.
- As part of the course, the Student was required to complete a final take-home exam worth 15% of her mark. She received a handout about the final exam, which contained a warning about plagiarism and a reminder the exam would be subject to a comparative analysis by Turnitin.
- On or about April 27, 2006, the Student transmitted an electronic copy of her final exam to Turnitin as well as a hard copy to her professor. The Student copied significant portions of her answers from internet sources that she did not reference properly or otherwise acknowledge correctly in the body of the exam. She failed to provide a complete bibliography.
- In June 2007, the Student had two meetings with the Dean’s Designate, Professor Scott Graham, to discuss the two allegations of academic misconduct in the Global Climate Change essay and the Freshwater Biology take-home exam. In each case she signed an admission that she was guilty of the offences of plagiarism as alleged.

[6] The panel accepted the Student’s plea and entered a verdict of guilty.

#### **THE PENALTY**

[7] The parties submitted a Joint Submission on Penalty in which they jointly recommended:

- 1) that the Student be suspended from attendance at the University of Toronto for a period of 2 years, from the date of hearing;
- 2) assignment of a grade zero in:
  - i. GG377H5 (Global Climate Change) for the 2006 Winter term; and
  - ii. BIO332Y5 (Freshwater Biology) for the 2006 Winter term;
- 3) a notation on the Student’s transcript from the date of the hearing for a period of 3 years, or her graduation from the University, whichever occurs first, to the effect that she was sanctioned for academic misconduct; and
- 4) the Tribunal report this case 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.

[8] In support of the joint submissions on penalty, the parties put forward further evidence as follows:

- a Supplementary Agreed Statement of Facts which indicated that the Student had plagiarized portions of an essay in Winter 2005 in the course GGR345HS – Environment Issues in the Developing World worth 20% of her course mark. She met with Professor Scott Graham, Dean’s Designate, on June 16, 2005 to discuss allegations of plagiarism in this essay. At that meeting, she asked him to provide her with clarification about what constituted plagiarism after which she admitted she had committed the academic offence of plagiarism. Her mark for the course was reduced to 50% and a notation was placed on her transcript indicating “Mark reduced in

GGR345H5S due to academic misconduct” from June 1, 2005 until December 1, 2005.

- Ms. Cohen, counsel for the Student, filed a report from Dr. Mini Mamak, psychologist, dated May 23, 2007 together with Dr. Mamak’s curriculum vita. The psychological report described the Student as a rather naïve individual who seems “genuinely perplexed by her own behaviours that have led to her current predicament”. Dr. Mamak’s report indicated that the Student advised her that poor time management coupled with an overwhelming workload and need to assist her father at the mosque contributed to her acts of plagiarism. The Student told Dr. Mamak that she did not intend to deceive and did not consciously plagiarize.
- Ms. Cohen also filed a letter dated August 27, 2007 from Shabbir Beawarwala, secretary of the Anjuman-e-Fakhri (Mississauga). This letter confirmed that the Student had provided voluntary services to this charitable organization over the last several years.
- The panel was also advised that the Student entered into an arranged marriage in July of 2007 and was involved in preparations for same in Winter 2006.
- The Student was sworn and testified that she had no intention of purposely plagiarizing and felt under a great deal of pressure in the Winter of 2006. She indicated she had made mistakes and was truly sorry.

- [9] In support of the Joint Submission on Penalty, the parties put forward the following factors:
- The Student co-operated with the Dean’s Designate in 2005 and 2006. She has acknowledged her guilt. She has co-operated with the prosecution before the Tribunal and has pled guilty.
  - The Student has admitted she was sorry for her mistakes.
  - The Student appears now to understand what constitutes plagiarism.

#### **REASONS FOR SANCTION (delivered orally)**

We consider this a very serious case. Plagiarism of any kind is a serious blow to the academic integrity of the University and plagiarism from the internet is an increasing problem for the University. We believe that plagiarism must be dealt with in a way that will not only deter the individual charged but will also provide general deterrence to the University community.

We carefully considered the Joint Submission on Penalty. We have taken into account the submissions of counsel, the further documents filed and the evidence that the Student herself gave during the penalty phase of this hearing.

We acknowledge that the Student has cooperated with the University. She has pled guilty. She and her counsel have cooperated with the University in putting before us an Agreed Statement of Facts and a Supplementary Agreed Statement of Facts, which have been very helpful in allowing this hearing to proceed in a more expeditious manner. The Student has said that she is sorry for her conduct before us tonight both directly in her testimony and through her counsel. We have also considered the report filed by Dr. Mamak, who provided a psychological assessment of the Student.

However, the panel must say that it is troubled by a number of features in this case. In the first place, there was a prior incident of plagiarism by the Student in Winter 2005. At that time, on the evidence before us, we understand that the Student asked for clarification as to what constituted plagiarism. She received that clarification and acknowledged that she had committed plagiarism and a sanction was imposed. We considered this to have been a fair and significant warning to her, not only as to what plagiarism was but also as to how it was wrong and how it should not be repeated. The two matters that are before us occurred just one year later in the 2006 Winter term. In each course, the course material contained very clear warnings about plagiarism: what it was and how it was to be avoided. That material was either given to or was accessible by the Student.

Secondly, the panel was also troubled by the fact that the Student was advised by her professor of suspected plagiarism in February 2006 but then she went on to commit a third offence in April 2006, a mere three months later. This track record of being advised about plagiarism, and going on to repeat her offence is concerning.

Thirdly, it appeared to the panel that even at the hearing, despite all the material the student had reviewed on plagiarism and the individual warnings she had received, that she was still unclear as to what plagiarism was. In her testimony at the hearing, through questioning, she was finally able to identify all the elements of plagiarism. We think that this is important on a go-forward basis that all those elements are acknowledged and understood by her as constituting the offence of plagiarism.

Fourthly, we were also quite puzzled about the manner in which the Student committed her plagiarism. By citing sources in some instances, she appeared to try to indicate that she had taken material from elsewhere. However, she did not put any of the third party material she had copied in quotes. Overall, this did not seem to indicate an intention to deceive, but we remain troubled as to how she could not have acknowledged that she was not properly and completely declaring and identifying when she took material from others.

We heard evidence from the Student and her counsel about extenuating circumstances. The panel did not find this evidence compelling and did not place much weight on it in coming to its decision on penalty.

We considered the Joint Recommendation on Penalty and we agree with counsels' submission that we should place significant weight on a joint recommendation.

We considered the cases to which we were referred and accept that the suggested penalty is within the range for similar cases. We also looked at the Joint Recommendation with respect to this particular case because that is also an important feature: was it appropriate on the facts of this particular case?

We also took into account the criteria for penalty as first proposed by the late and former Mr. Justice Sopinka in the case of Mr. C. Those factors have been outlined and both counsel have made submissions with respect to them.

In light of all that, we have accepted the joint submission on penalty and accordingly the penalty that we impose is the following:

1. That the Student be suspended from attendance at the University of Toronto for a period of two years from the date of hearing.
2. That the Student be assigned a grade of 0 in:
  - (a) GGR377H5S, Global Climate Change, for the winter term 2006 and
  - (b) BIO332Y5Y, Fresh Biology, for the 2006 winter term;
3. That a notation be made on her transcript from the date of this hearing for a period of three years or her graduation, whichever comes first, to the effect that she was sanctioned for academic misconduct; and
4. We recommend that this case be reported to the Provost to publish the decision of the tribunal and the sanctions imposed with the name of the Student withheld.

I certify this is the decision of the panel.

Jan 22, 2008  
Date

Kirby Chown  
Kirby Chown, Co-Chair

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty made on February 14, 2006

**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

**Ms. R. K**

**Members of the Panel:**

Ms. Julie Hannaford, Chair  
Professor Sarah King, Faculty Panel Member  
Ms. Candace Ikeda-Douglas, Student Panel Member

**Appearances:**

Mr. Rob Centa, Counsel for the University of Toronto  
Ms. R. K., the Student

**In attendance:**

Professor Roger Beck  
Ms. Lucy Gaspini  
the Student's parents

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**REASONS FOR DECISION**  
Prepared by Julie K. Hannaford

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“What distinguishes the University from other centres of research is the central place which the relationship between teaching and learning holds. It is by virtue of this relationship that the University fulfills an essential part of its traditional mandate from society, and, indeed, from history: to be an expression of, and by so doing to encourage, a habit of mind which is discriminating at the same time as it remains curious, which is at once equitable and audacious, valuing openness, honesty and courtesy before any private interests.

This mandate is more than a mere pious hope. It represents a condition necessary for free enquiry, which is the University’s life blood. Its fulfillment depends upon the well being of that relationship whose parties define one another’s roles as teacher and student, based upon differences in expertise, knowledge and experience, though bonded by respect, by a common passion for truth and by mutual responsibility to those principles and ideals that continue to characterize the University.”<sup>1</sup>

At the heart of this matter is a letter sent to Professor Seguin and Ms. Faulk, who were Teaching Assistants at the University of Toronto. The letter was anonymous. It described how tests written by Ms. K. had been intercepted and therefore prevented from delivery to a professor for grade reconsideration. The author of the letter explained the motivation for intercepting the letter as being resentment and anger over Ms. K’s achievements because she was Hindu. The author of the letter makes it clear that Ms. K and a classmate were the subject of vengeance and retribution by Muslim students. The letter is disturbing and hateful, and it invokes for its foundation and basis the force and forgiveness of Allah. The letter clearly describes Ms. K as being the victim of Muslim-based hatred. Aside from being very disturbing, the letter is actionable because of the damage it purports to do to Ms. K, to her future, and to the concept of tolerance, equity, and fairness in the university environment in general. In general terms, the letter is offensive and strikes at the heart of a tolerant atmosphere – it suggests the worst of poisoned atmospheres existing at the University. For these reasons, the author of the letter attracts serious concern and sanctions for the damage done by the letter to Ms. K. and to the University.

Ms. K. was the author of that letter. She admits this fact. She constructed the idea for the letter; she constructed the idea to make herself the center of a racially motivated conspiracy; and she worded the letter so as to attract the outrage it deservedly incites.

The essence of the offence committed by Ms. K. is contained within the letter described above.

What led up to the writing of the letter, and the background to Ms. K. becoming a student at the University of Toronto is as follows – all of which is taken from the agreed facts in the case:

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<sup>1</sup> University of Toronto, “Code of Behaviour on Academic Matters, 1995”.  
(<http://www.utoronto.ca/govcncl/pap/policies/behaveac.html>)

Ms. K. attended Princeton University from September 2002 until February 29, 2004. She applied to “transfer” to the University of Toronto on February 25, 2004 and provided the University of Toronto with, among other documents:

- (a) a letter dated February 25, 2004, addressed to Admissions and Awards, a copy of which is included in the Joint Book of Documents on Penalty at Tab 2 (“Admissions Letter”);
- (b) a petition that Ms. K. stated was prepared and signed by friends of hers supporting her at Princeton University, a copy of which is included in the Joint Book of Documents on Penalty at Tab 3 (“Petition”) and
- (c) a letter dated February 29, 2004, from the Associate Dean of the College at Princeton University to Ms. K., a copy of which is included in the Joint Book of Documents on Penalty at Tab 4.

The University admitted Ms. K. to the University of Toronto at Mississauga in the fall of 2004. At that time, the University granted her certain transfer credits because of her prior studies at Princeton University.

The events that occurred at Princeton are relevant and are set out here as follows in summary.

In the fall of 2004, a student accused Ms. K. of violating the honor code during mid-term examinations. The allegations included that Ms. K. had forged her name overtop of another student’s name, that she had copied from another student during an examination, and that she was responsible for some missing examinations.

The day before Ms. K.’s hearing before the Honor Committee, one of the missing midterm examinations was delivered to Ms. K.’s residence room along with an anonymous note authored by a person who claimed responsibility for the midterm violations. The note was described as follows:

“The day prior to the trial, an anonymous note was delivered along with a missing midterm exam, to Ms. K., whose writer claimed responsibility for the midterm violations that Ms. K. had been charged with by the Honor Committee...A number of sordid aspirations of the writer were expressed in the note, including the aim to gain Ms. K.’s admiration/love by rescuing her from a terrible honor trial situation that the writer himself/herself had caused through the abovementioned actions. Furthermore, the writer’s obsession and stalking habits were detailed in the letter, indicating how he/she accessed the rooms of Ms. K. and her neighbor (with whom the note writer was also infatuated), taking items and homework that were verified by Ms. K. and her neighbor to be missing.”

Ms. K. advised the University of Toronto in the Admissions Letter that:

“The night before my hearing, an anonymous confession letter was dropped off at my dorm room. Though I had no idea where it came from, I brought it to the committee’s attention. The author of the letter admitted to switching students’ papers and claimed that he/she helped students frequently for money. Because the Committee had already in their minds determined

my guilt, they did not give the letter any weight and in fact, used its existence against me, claiming I was guilty of perjury.”

On January 10, 2004, the Honor Committee found Ms. K. guilty of three counts of violating the Princeton University honor code during the mid-term examinations. The Honor Committee concluded that Ms. K. had authored the anonymous note and found that she had committed perjury.

The Honor Committee concluded that she should be expelled from Princeton. Ms. K. appealed the decision to the Dean of Undergraduate Students on the basis of procedural fairness and bias. The Dean dismissed Ms. K.’s appeal.

*[The Honor System at Princeton University is different from the way in which the Code is administered at the University of Toronto. The following is a summary of the way the Honor System operates:*

*Jurisdiction over violations of academic rules and regulations rests with two distinct committees at Princeton University. All written examinations, tests, and quizzes that take place in class are conducted under the honor system. The Undergraduate Honor Committee (“Honor Committee”) investigates and deals with all violations of the honor code. A copy of the Constitution of the Honor Committee is included in the Joint Book of Documents on Penalty at Tab 5. Violations of rules and regulations pertaining to all other academic work, including essays, term papers, and laboratory reports, fall under the jurisdiction of the Faculty/Student Committee on Discipline.*

*Princeton University does not use examination invigilators to supervise the conduct of its examinations. Examinations are not supervised. The instructor in charge distributes the examination papers, waits for a short time for any questions, and then leaves the room, returning at the end of the stated period to collect the answer books. On each examination paper, the student writes out and signs the following statement: “I pledge my honor that I have not violated the honor code during this examination.”*

*Article V of the Constitution of the Honor Committee states:*

*1. Violations of the honor system shall consist of any attempt to receive assistance from written or printed aids, or from any person or papers, or of any attempt to give assistance, whether the one so doing has completed his or her own work or not. This rule holds both inside and outside of the examination room. Other violations include, but are not limited to any attempt to gain an unfair advantage in regard to an examination, such as tampering with a graded exam or claiming another’s work to be one’s own.*

*2. Violations shall also consist of obtaining or attempting to obtain, previous to any examinations, copies of the examination papers or the questions to appear thereon, or to obtain any illegal knowledge of these questions.]*

## **I. Procedural History and Background**

On February 14, 2006, the University of Toronto (“University”) filed charges against Ms. K. under its *Code of Behaviour on Academic Matters* (“Code”). A copy of those charges is included in the Joint Book of Documents at Tab 2 (“Charges”).

The University Tribunal delivered a Notice of Hearing to Ms. K. on April 13, 2006.



The University admitted Ms. K. to the University of Toronto at Mississauga in the fall of 2004. At that time, the University granted Ms. K. certain transfer credits because of her prior studies at Princeton University.

## **II. Financial Accounting – MGT120 and the Term Tests**

In January 2005, Ms. K. enrolled in MGT120, an introduction to the theory and concepts of financial accounting, which was taught by Professor Catherine Seguin (“Financial Accounting”).

On February 9, 2005, Ms. K. wrote a term test worth 25% of the final grade in Financial Accounting. Ms. K. received a mark of 25.5 out of 40 (“Term Test #1”).

On March 23, 2005, Ms. K. wrote a second term test in Financial Accounting that was worth 30% of the final grade. Ms. K. received a grade of 23 out of 55 on Term Test #2 (“Term Test #2” and both of Ms. K.’s tests, collectively, “Term Tests”).

Kathy Falk, a Teaching Assistant in Financial Accounting, recorded both of Ms. K.’s marks. Students in Financial Accounting were able to check their marks using a web-based course management tool called WebCT.

Ms. K. reported that her grades were not recorded accurately

On April 22, 2005, Ms. K. emailed Ms. Falk. A copy of Ms. K.’s email is included in the Joint Book of Documents at Tab 6. Ms. K. stated that she had checked her grades for the Term Tests on WebCT and that they were not recorded accurately. Ms. K. asked Ms. Falk what she could do to correct the “mistake”. Ms. K. wrote, in part:

*“Hi Kathy.*

*I’ve never been on WEBCT before to check my accounting marks (since we only had two tests and I knew my marks), but I was online today and a little shocked to see that the grades recorded on WEBCT are not my actual marks!!*

*Online, it shows my first test is a 25.5/40. This was my original mark, but then you added 3 to my test because my marks weren’t tallied up correctly on my test. I actually got 28.5/40. So I can understand that the first test mark perhaps wasn’t updated on WEBCT yet. However, the second test shows that I received a 23/55!!!! I nearly aced that test with a 49/55!!! In fact, (though I don’t like to admit it), I picked up my test from you in tutorial and left because I lost marks mostly in the multiple choice section and on definitions (first time I’d ever not stayed for the entire tutorial...I’m usually in the front row!). I am concerned only because I am not confident with how well I did on the final...and I need those two test grades to help out my final grade. I’m hoping it’s just a mistake on the computer, but how can I go about getting that changed back? Can I come in to show you the tests or meet with someone in the registrar’s office perhaps? Please do let me know what you think I should do.*

Ms. Falk advised Ms. K. to deliver the Term Tests to the Management Department’s office on Monday, April 25, 2005, so that Ms. Falk could review them.

On April 24, 2005, Ms. K. told Ms. Falk in an e-mail that she would deliver the Term Tests as soon as possible. A copy of this e-mail is included in the Joint Book of Documents at Tab 7.

On May 7, 2005, Ms. K. emailed Ms. Falk to inquire about the status of her appeal. Ms. K. stated:

*"I'd really appreciate if you could let me know as soon as you can what my new grade will be. I know what my two term test scores were (I still have photocopies of them with me since I gave you the originals), but I don't know how the final went or what my final grade is."*

Ms. Falk replied that she had never received the Term Tests.

On May 8, 2005, Ms. K. sent an email message to Ms. Falk asking her to check again for the Term Tests and expressed concern over the missing originals. Ms. Falk asked Ms. K. to whom had she given the Term Tests. A copy of this exchange is included in the Joint Book of Documents at Tab 9.

On May 9, 2005, Ms. K. sent a message to Ms. Falk and stated that she slid the original Term Tests under Prof. Seguin's door in a large white envelope. A copy of Ms. K.'s message is included in the Joint Book of Documents at Tab 10.

On May 10, 2005, Ms. Falk contacted Prof. Seguin regarding the situation. Prof. Seguin asked Ms. K. to bring in the photocopied Term Tests, which she did. A copy of Term Test #1 and Term Test #2 as submitted by Ms. K. for re-grading is included in the Joint Book of Documents at Tab 11 and Tab 12, respectively.

Prof. Seguin and Ms. Falk examined the photocopied Term Tests. The cover of Term Test #1 indicated a score of 28.5 marks, and the cover of Term Test #2 indicated a score of 49 marks. Thus, the Term Tests appeared to be consistent with what Ms. K. told Ms. Falk on April 22, 2005, and were inconsistent with the marks recorded by Ms. Falk and made available through WebCT.

However, Prof. Seguin and Ms. Falk were extremely suspicious of the Term Tests because they thought the marks and the total number of marks recorded on the covers of the Term Tests had been altered.

Despite the efforts of the University, the course instructor was not able to meet with Ms. K. to discuss this matter until August 24, 2005, as Ms. K. was working in New York over the summer.

At 2:00 p.m. on November 2, 2005, Ms. K. met with Professor Roger Beck, the Dean's Designate for academic offences at the University of Toronto at Mississauga, pursuant to s. C.I.(a)5 of the Code. Professor Beck warned Ms. K., pursuant to s. C.I.(a) 6 of the Code, that anything she said at that meeting could be used or received in evidence against her at the tribunal hearing.

Ms. K. denied altering the Term Tests prior to photocopying them and submitting them for re-grading. Ms. K. maintained that she did bring in her original Term Tests and had placed them under the door of the Management Office.

### III. Anonymous Letter and the appearance of Term Test #1

On November 2, 2005, the same day as the meeting with the Dean's Designate, Ms. Falk arrived at her office at 12:05 p.m., opened the door, and found that Ms. K.'s original Term Test #1 had been slid under her door along with an anonymous letter ("Anonymous Letter").

It read:

*To Ms. Seguire [sic] and Ms. Faulk [sic] (TA)*

*Alongside our apology you will find Ms. K.'s [sic] accounting test. Though you may not understand our motives for hurting her we will explain. Both she and \_\_\_\_\_ took the positions of class representative in our accounting class which we wanted. It looks very good on resume but they got the positions. Upset us greatly that a hindu [sic] girl got the position and not one of us. We came to learn through mutual friends that Ms. K.'s [sic] test scores had been wrongfully entered and heard she was going to drop them off to the office. My friend was able to take her tests as much of the big envelope was sticking out of under the door. This was our duty. She never helped us much like she helped her friends. We both tried to get the two class representatives in trouble during the final exam but ended up being moved away by TAs. God already gave \_\_\_\_\_ what she deserved by injuring her leg but nothing to Ms. K. We both each [sic] took one of her tests to keep to remind us that we did our duty, but I am coming to realize that this is not right. Her friends speak nicely of her and so I am returning what I have wrongly taken. My friend does not see this the same way and is nonwilling [sic] to return the other one. I do wish there was something I could do in that manner but I can not convince my friend otherwise. InshAllah I will be forgiven. Forgiven by you and Ms. K. and \_\_\_\_\_ and above all, God himself. I realize she has already been badly hurt by our actions and we misused our relationships with her close friends in order to achieve this. But InshAllah all will be well again. Though we see both of them often, please wish them the best of luck and all the happiness from me. God willing everything will turn out okay.*

*Thanking you much for your time*

Ms. Falk and Prof. Seguin were suspicious of the Anonymous Letter.

Meeting with the Dean's Designate – December 2, 2005

On December 2, 2005, Ms. K. met again with Prof. Beck, the Dean's Designate for academic offences, pursuant to s. C.I.(a)5 of the Code to discuss the Anonymous Letter and the return of the original copy of Term Test #1. Professor Beck warned Ms. K., pursuant to s. C.I.(a)6 of the Code that anything she said at that meeting could be used or received in evidence against her at the tribunal.

Ms. K. denied having anything to do with the Anonymous Letter and stated that Professor Seguin had previously advised her that the photocopied Term Tests could not be re-graded because they were not originals. Ms. K. repeatedly requested that Term Test #1 now be re-graded because the original test had appeared.

Later that day, Ms. K. telephoned Lucy Gaspini, the Executive Assistant in the office of the Dean of the University of Toronto at Mississauga. Ms. Gaspini subsequently sent Ms. K. an e-mail

stating that if she decided to admit committing the offences, she should do so in writing within one week. A copy of Ms. Gaspini's email to Ms. K. is included in the Joint Book of Documents at Tab 14.

On December 15, 2005, Ian Orchard, Vice-President and Principal of the University of Toronto at Mississauga requested that Prof. Edith Hillan consider laying charges against Ms. K. under the Code.

On December 25, 2005, Ms. K. wrote Prof. Beck a lengthy e-mail. A copy of that e-mail is included in the Joint Book of Documents at Tab 15. The message read, in part, as follows:

*"Dear Professor Beck,*

*How are you? I hope this holiday season has been relaxing and enjoyable for you. I hope you can spare a few minutes to read this email and try to understand my position and feelings in the matter. I am writing to you at this time, as I have received a notice from the Dean's office at UTM that my case has been forwarded on to the Provost [sic]. Firstly, I would like to apologize for not pulling things in writing sooner. I was under a lot of pressure with this case, and with exams at the time.....*

*Professor Beck, though I feel that an email is not the most appropriate way to deal with this matter, I really needed to tell you a few things. I did want to meet with you without having other faculty and professors around so that I could openly express to you what I had done, and why I had done it. As it stands, a lot of what happened was not my doing, but I no longer deny that I did play a role in a lot of the wrongdoings that occurred. I apologize wholeheartedly, and cannot begin to express in an email how sorry I am for what I did.*

*I realize what I did was unacceptable. I honestly do....You seemed to be very fair and understanding, and as soon as the meeting was over, I wanted to speak to you and accept responsibility for my actions.*

*Take care, and I look forward to hearing from you soon.*

*Warmest wishes,*

*Ms. K."*

Ms. K. admits that:

- a. the marks she earned on the Term Tests were at all times properly recorded on WebCT that is, 25.5 out of 40 on Term Test #1 and 23 out of 55 on Term Test #2;
- b. she did not deliver the original Term Tests for re-grading, in a large white envelope or otherwise in late April or early May 2005;
- c. she misled Ms. Falk on May 7, 8, 9, and 10, 2005, by telling her that she had dropped off her original Term Tests for re-grading;
- d. she altered the original Term Tests and increased the marks to 28.5 out of 40 and 49 out of 55;

- e. she photocopied the altered Term Tests before she re-submitted them in order to make it more difficult to detect her alterations;
- f. she submitted the altered Term Tests to attempt to obtain higher marks and an undeserved academic advantage;
- g. she lied to the Dean's Designate on November 2, 2005, when she stated that she had delivered the original Term Tests to Ms. Falk;
- h. she wrote the Anonymous Letter and did so to explain the reappearance of the original (but altered) Term Test #1, which she wanted Prof. Seguin to re-grade;
- i. she slid the Anonymous Letter and the original (but altered) Term Test #1 under Ms. Falk's door on November 2, 2005; and
- j. she lied to the Dean's Designate on December 2, 2005, when she said that she had nothing to do with the Anonymous Letter.

When she appeared before the University Tribunal, Ms. K. pleaded guilty to charges #1, 4 and 7 of the Charges.

She admitted she is guilty of charge #1 and that she committed an offence contrary to B.i.1(a) of the *Code* because she knowingly forged, altered, and falsified Term Test #1 and that she knowingly uttered, circulated and made use of that forged, altered and falsified version of Term Test #1.

She admitted she is guilty of charge #1 and that she committed an offence contrary to B.i.1(a) of the *Code* because she knowingly forged, altered, and falsified Term Test #2 and that she knowingly uttered, circulated and made use of that forged, altered and falsified version of Term, Test #2.

She admitted she is guilty of charge #1 and that she committed an offence contrary to B.i.1(a) of the *Code* because she knowingly forged the Anonymous Letter and that she knowingly uttered, circulated and made use of that forged Anonymous Letter.

The focus of the submissions of Ms. K. related to her entitlement to a "second chance". The position of Ms. K. was that she was demonstrably chastened by the events, that she was sorry for having committed the offences, and that she was entitled to be given a "second chance".

The words "second chance" are in quotations because within the case law collected by the Tribunal, the concept of a "second chance" is central to discussions of appropriate penalty. It may be useful to consider those principles that apply to considerations of when a "second chance" should be considered in relation to penalties to be imposed.

The concept of second chance relates to the principle that an individual who displays flawed behaviour is entitled to reflect upon the error of their ways, integrate the error, and be given an opportunity to demonstrate that their views and their character is, in essence, reformed. The idea of reform is central to the principles of enlightened sanctioning. The factors that relate to sanction form a consistent theme in penalty reasoning, evolving from the "Mr. C.". It is common

ground that those factors inform the penalty phase in any argument, and are important for a tribunal to consider in the penalty phase.

The evidence of Ms. K. did not give rise to any suggestion or conclusion that such sober reflection had indeed taken place – in fact, her evidence was suggestive of a re-visitation of events both at Princeton and at the University of Toronto – with a view to showing that she was both not at fault and that she had been somehow wronged by the process (at least at Princeton).

The only other evidence given was that of the witness who gave his evidence in writing, and who responded to questions arising from Mr. Centa. The witness wrote fulsomely on the topic of the need for a “second chance”. But, he was unaware of the full nature of the case and the facts both as background to the instant situation and the complete facts related to this situation.

The offences that have been admitted by Ms. K. are, in the view of the tribunal, of a kind that attracts the need for a deterrent message. The effect of these offences is to promote a poisoned environment in the University and to “fan the flames of religious intolerance and hatred” (as it was put by University counsel). The offences as a whole, constitute a clear case of premeditated, calculating, deliberate and intentional acts, designed to obtain an advantage by the most pernicious means – namely the promotion of racial hatred, racial stereotyping, and the further insertion of Ms. K. (the author of the acts and the offending letter) into the situation, cast as a victim of such racial hatred.

Of any case that speaks to the need for the effects of the expulsion sanction it is this one. Aside altogether from the manufacturing of the documents that took place and aside altogether from the tortuous history of revision and retrenchment of fact that was admitted to have occurred, it is striking, that (as was observed by counsel for the University), the entirety of the fabrication depended, for its force, on the stirring up of racial hatred – namely retaliation by Muslim students against a Hindu. For the university to thrive in a free and open environment, for the encouragement of the open exchange of ideas, it is critical that any scintilla of racial antagonism, any flavour of racial hate, be sanctioned.

For all of these reasons it the unanimous decision of the panel that:

1. pursuant to C.ii.(b).1.(g) the Tribunal assigns the sanction of a grade of 0 in the course MGT120H5
2. pursuant to C.ii.(b).1.(i) the Tribunal recommends to the President that the President recommend to the Governing Council that the Student be expelled from the University; that the Student be denied any further registration in courses at the University of Toronto; and that the expulsion be permanently recorded on the Student’s transcript and academic record.
3. pursuant to C.ii.(b).3 the Tribunal will report this case to the Provost and will request that the Provost exercise his/her discretion in favour of publishing a notice of the decision of the Tribunal and the sanctions it imposed in the University newspaper with the name of the Student withheld.

**IN THE MATTER OF THE UNIVERSITY TRIBUNAL  
OF THE UNIVERSITY OF TORONTO**

**UNIVERSITY OF TORONTO**

**-and-**

**Mr. A.L.**

**REASONS FOR JUDGMENT**

Members of the panel:

- John A. Keefe, the Chair
- Melanie Woodin, Tribunal Faculty Member
- Liang Yuan, Student panel member

Appearance:

- Lily Harmer, Discipline Counsel of the University of Toronto
  
- The Student did not appear

**PRELIMINARY ISSUE OF NOTICE OF THE HEARING**

1. The Trial Division of the University Tribunal was convened on April 3, 2007 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the “Code”) laid against the “Student by letter dated April 5, 2006 from Professor Edith Hillan, Vice Provost, Academic (the “Charges”).
  
2. Thirty minutes after the time at which the hearing was scheduled to begin, the Student had not appeared. The University proposed to proceed in the Student’s absence.

3. The Tribunal heard submissions with respect to the University's request to proceed in the absence of the student.
  
4. Prior to the commencement of the hearing, the University sought directions from Patricia S. Jackson, Senior Chair of the University Tribunal, concerning service. By order dated February 15, 2007, the Senior Chair, after reviewing the various attempts by the University to serve the Charges on the Student and the various attempts to schedule the hearing, gave directions as follows:
  - (i) The University may set a hearing date for any or all of April 2, 3, 5 and/or 10, 2007, or later dates as required, without further consultation with the Student;
  
  - (ii) The University shall advise the Student by e-mail and by courier of the terms of this Direction no later than February 16, 2007;
  
  - (iii) The Student shall have until February 28, 2007 to respond to the University to indicate whether he will be available to attend the hearing dates set by the University pursuant to paragraph 1 above;
  
  - (iv) If the Student advises the University by February 28, 2007 that he will not be in Toronto and therefore will not be available on any of the hearing dates set pursuant to paragraph 1 above, the Student and the University shall find four mutually agreeable alternate hearing dates to take place before the end of May, 2007;



- (v) If the Student fails to respond to the University by February 28, 2007, or to provide four alternate dates on which he can be available for a hearing prior to the end of May 2007, the hearing dates set pursuant to paragraph 1 above will be pre-emptory to the Student and shall proceed as scheduled provided that the University has served notice of the hearing fourteen days in advance as permitted by this Direction;
  - (vi) The University may serve documents to the Student by e-mail and regular mail or courier; and
  - (vii) Service of documents will be deemed effective seven days after the documents are mailed or one day after they are delivered by e-mail or courier.
5. At the outset of hearing the panel heard the evidence that the Student had been served with the Direction of the Tribunal by courier and by e-mail on February 16, 2007.
  6. The panel also heard the evidence that a revised Notice of Hearing was sent to the Student by courier and e-mail on March 7, 2007 advising the Student that the hearing would proceed on April 3, 2007 at 5:30 p.m., April 5, 2007 at 6:30 p.m. and April 10, 2007 at 5:30 p.m.
  7. After considering all the evidence and the Direction of the Tribunal, the panel concluded that the Student had received reasonable notice of the hearing in accordance with the provisions of the Code and of the *Statutory Powers Procedures Act*. The panel

concluded that it was appropriate for the Tribunal to proceed in the absence of the Student without any further notice of the proceeding.

8. The panel then heard opening submissions from the University counsel and adjourned the hearing to April 10, 2007 for the hearing of witnesses.

### **HEARING ON THE MERITS**

9. There are 84 charges in total involving 9 courses. The Charges are attached as Appendix A to these Reasons.
10. The conduct that is the subject matter of the allegations took place over the period from December 2002 to January 5, 2005. In total the charges relate to 21 separate assignments in 9 courses. In some cases there are multiple charges arising out of the same assignments.
11. In a nutshell, the evidence was that the Student enlisted the aid of two female students (with some overlap) to assist him with respect to various assignments ranging from course assignments to essays and, in some cases, exams. These female students had in succession become his girlfriends. The assistance became so extensive that the “friends” did virtually all the work on his various assignments with little or no work being done by the Student himself. The evidence was that the “friends” actually attended the lectures on

behalf of the Student, wrote his assignments or essays from start to finish, and then submitted them under his name.

12. Prior to the commencement of the hearing, we were provided with lengthy affidavits of the two “friends” setting out in great detail the work they had done on the various courses. Their evidence was supported by numerous e-mail exchanges with the Student that provided clear evidence that all the work for these various assignments was done by the “friends” and not by the Student.
13. The evidence was particularly disturbing because it was clear that, for whatever reason, these “friends” were encouraged or pressured to help the Student and in the process they were seriously manipulated by the Student. There is no indication that they received benefits or that they were threatened into doing this work for the Student. Instead they did it because of a misguided belief that they were helping him. Clearly, the evidence showed that the Student had an uncanny ability to exert influence over these “friends” and that he used this influence to have a free ride in these courses at their expense.
14. The two “friends” were called as witnesses at the hearing on April 10, 2007. They each confirmed that the evidence set out in their affidavits was true and they took the panel through their affidavit and the documents referred to in the affidavits.
15. During their testimony, the panel had the opportunity to see the “friends” and ask them questions to test their credibility. Overall, the panel was satisfied that they were telling the truth even though the truth is stranger than fiction.

16. The two “friends” were the only live witnesses called by the University. In addition to their affidavit evidence and their oral testimony the panel also admitted affidavit evidence from the various professors or teaching assistants who taught their courses. These affidavits provided background to the course requirements. In a few cases the assignments that had been submitted by the Student were retained by the professor and the panel was able to compare the work submitted with the work done by the “friends”.
17. The affidavits of the professors and instructors which were admitted and considered by the panel are as follows:
- (a) The Affidavit of Rick Guisso,  
He is a professor of East-Asian Studies and the instructor in course EAS102Y1 and EAS437. His affidavit described the course requirements.
  - (b) The Affidavit of Jingson Ma.  
He was a teaching assistant in course EAS336H1H (Chinese literature). His affidavit described the course requirements.
  - (c) The Affidavit of Yu Chang.  
He was the instructor in EAS204Y1. His affidavit described the course syllabus and the various assignments in this course.
  - (d) The Affidavit of George Zhao.  
He was the instructor in course EAS203Y1. He attached to his evidence a copy of the essay submitted by the Student in course EAS203Y entitled *SARS and Its Impact in the Chinese Economy and Society* with the instructor’s handwritten

notes and the mark of 70. The evidence showed that this essay was identical to the one prepared by one of the “friends”.

(e) Affidavit of Chin Lim.

He was the instructor in HIS3A5. He attached to his affidavit a book report submitted by the Student on November 11, 2003. This book report was identical to the one prepared by one of the “friends”.

18. The panel also admitted and considered two other affidavits:

(a) The Affidavit of Andre Schmid.

He was the Chair of the Department of East-Asian Studies. When the allegations arose, he communicated with the Student by e-mail. The e-mail exchange was attached to his affidavit. In an e-mail of May 14, 2005, the Student wrote to Professor Schmid and asked whether or not he would be penalized “for asking my tutor and friends to edit my papers, to help me check grammar and to rephrase my sentences where necessary, provided that whole ideas in my paper are my own. It is because when you asked me if my papers are my own writing, I do not know whether you mean if I plagiarized, or if anyone has helped me with my papers.” Although the Student did not appear at the hearing, the panel considered this possible explanation and questioned the “friends” concerning it. They both testified that the work was done by them and not by the Student.

(b) The Affidavit of Kristi Gourly.

Ms. Gourly is the Manager, Office of Student Academic Conduct in the Faculty of Arts and Science at the University of Toronto. In that capacity she is

responsible for assisting the Dean's Designates in investigating administrative matters referred to the Dean's Office. She attended a meeting with the Student on August 18, 2005 to discuss the allegations that had been referred to the Dean's Office and which are the subject matter of this hearing. She was at the meeting with the Dean's Designate, David Smith, and others. The various courses in question and the course work in question were discussed with the Student. He denied that the work on these courses was done by others claiming that he had done all of the work for the courses himself although he might have obtained editing help for some assignments. In the course of this meeting, the Student was not able to provide any meaningful answer concerning the actual coursework in question. Specifically, one of the assignments in question was an essay on SARS. The Student was not able to identify what that acronym referred to, nor could he say what part of the body it affected. It was very clear in that meeting that the Student had no idea what this essay was about. Similarly he had not recollection of the subject matter of the book report submitted under his name.

19. At the conclusion of the hearing the panel gave brief oral reasons for its conclusions indicating that written reasons would follow.

### **The Details of the Charges**

#### **Course EAS102Y1 – Introduction to East-Asian Civilization – Counts 1 to 6**

This was a full year course commencing in the fall of 2002. The evidences relates to two term tests and a final exam. In advance of these tests and the exam the students were provided with practice questions. The evidence of Friend 1 was that she prepared draft answers which the

Student would copy onto “cheat-sheets”. However, the panel concluded that the evidence was inconclusive as to whether he did, in fact, use these “cheat-sheets” on the exam. Accordingly, the panel concluded that there was insufficient evidence to register a conviction with respect to any of the counts in relation to this course. Accordingly, the panel would dismiss the counts in connection with this course.

**Course EAS203Y1, China and the Internet – counts 7 through 17.**

20. This was a research-based course that focused on the Internet and required the students to work relatively independently. Students were required to choose a topic, research that topic and incorporate their findings into websites that they designed. The students were also expected to make an in-class presentation and a final paper.
21. The evidence of Friend 1 was that she researched, designed and created a webpage which the Student submitted as the web-based project. She also wrote all of the research paper that he submitted in this course. She also prepared the presentation that he gave and did all of the other assignments in the course.
22. One of the course assignments was to submit a list of sources the students intended to use for the research paper, presentation and the website. Friend 1 chose the research topic and did the research to find the source material. She prepared the e-mail to the professor as required.
23. She also prepared the assignment which was to provide an outline of the final research paper. She did this without any involvement or input from the Student.

24. She did all the work in the preparation of the research paper entitled "*SARS: Its Impact on the Chinese Economy and Society*" which was worth 25% of the final mark. Professor George Zhao actually retained a copy of this paper with his handwritten notes on it and the final mark. This was compared to the documents submitted as exhibits to the affidavit of Friend 1 and they are identical. This provided corroboration for the evidence of Friend 1 that she prepared the paper submitted by the Student. Her evidence was that the Student did no work on this paper.
25. The evidence of Friend 1 was that she also prepared the webpage related to the project without any assistance or input from the Student.
26. The charges relating to this course are contained in counts 7 through 17 of the Charges.
27. Some of them are duplicative in a sense that they allege different offences for the same misconduct. We feel it is appropriate that a conviction be entered on one count only relating to each event of misconduct with the other charges being dismissed as duplicative. Accordingly, the panel concluded that there should be a conviction on counts 7, 10, 13, and 16. The other counts should be dismissed as duplicative.

**Course AES336 – Chinese Literature Pre-Qin-Tang – Counts 18 to 27**

28. This course was taken in the fall of 2003.
29. The evidence of Friend 1 was that the students were provided with practice essay questions which would be part of the test. She prepared draft essay answers which she



sent to the Student. However, there is no clear and convincing evidence that he did, in fact, use them on the test. We find that the evidence with respect to this particular incident does not warrant a conviction. Accordingly, the panel would dismiss counts 18, 19 and 20.

30. There was also a term test on November 18, 2003. Prior to the test the instructor provided the class with three possible topics. By this point in time the Student was also enlisting the aid of Friend 2. Friend 2 prepared answers to one of the questions. The Student told Friend 2 that he would copy the answer onto a "cheat-sheet" that he would take it into the test.
31. When the Student attended the test on November 18, 2003, the essay question that Friend 2 had prepared for the Student was not on the test. The Student took the blank test booklet and left the test-room so that he could use it to take the re-write. Friend 2 prepared answers to the other questions prior to a re-write which was scheduled for November 24, 2003. Prior to the re-write, the Student came to the apartment of Friend 2 and wrote out the answer on the test booklet which he had taken from the room on November 18, 2003. He then took the booklet with the answer prepared by Friend 2 to the re-write on November 23, 2003.
32. The panel would register a conviction on counts 23 and 24. The panel would dismiss the counts 21 and 22 as duplicative.

33. There was also a term paper due on December 2, 2003 worth 50% of the final grade. Friend 2 prepared the term paper. The Student did not work on the paper. He submitted it on December 2, 2003.

The panel would register a conviction on count 26 and dismiss the counts 25 and 27 as duplicative.

**Course EAS237Y – The Japanese Cinema(s): Film Form and the Problems of Modernity - Counts 28 through 36**

34. In this course, the Student was expected to submit one-page comments on various readings. In her affidavit, Friend 1 stated that she prepared and submitted the first assignment on September 23, 2003 on behalf of the Student without any assistance from him. She sent it to the Student and was told by him that he had submitted it as his own work. Similarly, a second paper was submitted on November 4, 2003. Friend 1 prepared the assignment for the Student. He told her that he submitted the document as his own work. The Student did not do any work on these assignments.
35. A term paper was to be submitted on November 11, 2003. It was worth 20% of the final mark. Friend 1 prepared the term paper for the Student. He told her that he handed it in as his own work. The Student did not do any work or provide any input into the paper.
36. Accordingly, the panel concludes that there should be a finding of guilt with respect to the two assignments and the term paper in this course. The specific charges in respect of

which we would register a conviction are counts 29, 32 and 35. The other counts will be dismissed as duplicative.

**Course HIS385Y1 – History of Hong Kong – Counts 37 to 39**

37. This course was taken in the fall of 2003 and was taught by professor Chin Lim.
38. As part of the course work, the Student was required to submit a book report worth 20% of the mark.
39. Friend 1 did some of the work with respect to this book report. Friend 2 also worked on this assignment. The Student did not do any work on this book report. The Student submitted the book report as his own.
40. The evidence of Friend 1 was that she prepared most of the book report. She edited some of the report and prepared the bibliography and cover page.
41. Friend 2 also had some involvement in the preparation of this book report. Segments of the book report were prepared by her. The Student sent these segments to Friend 1 for editing and inclusion into the final report. Apparently, the Student was taking work from both Friend 1 and Friend 2 at the same time.
42. Professor Chin Lim submitted an affidavit attaching a copy of the book report submitted by the Student. The book report in the professor's file was identical to that on the

computer of Friend 1, thereby corroborating her testimony that her work was submitted by the Student as his own.

43. The panel would register a conviction on count 38 and it would dismiss counts 37 and 39 as duplicative.

**Course EAS334Y1 – The Chinese Novel – Counts 40 to 42**

44. One of the course requirements for this course was a test. In the case of test number 5, the professor provided the questions prior to the test. The evidence of Friend 2 was that she prepared the answer for the Student. He told her that he would be copying it onto some form of “cheat-sheet” for use during the test. She testified that she sat beside the Student during the test and observed that he was using the “cheat-sheet” in the course of writing the test.

45. The panel would register a conviction on count 42. We would dismiss counts 40 and 41 and duplicative.

**Course EAS437Y – Independent Study – Counts 43 to 47**

46. The entire grade for this course was based on an essay. The Student had to provide a bibliography and an outline of the essay prior to submitting it. The evidence of Friend 2 was that she prepared the essay that was submitted by the Student without any independent work being done by the Student. She also did all the course work for this assignment.

47. The panel would register a conviction on count 43 in relation to the course work and count 46 in connection with the essay. The other charges will be dismissed as duplicative.

**Course EAS204Y – Approach to the Modern East Asian History – Counts 48 to 52**

48. This course was taken in the fall of 2004. It was a full credit course.
49. The evidence of Friend 2 is that she did the work for the Student on this course in the fall of 2004, but she did not do any work in 2005 as they had broken up by that point.
50. One of the course requirements was an essay for submission on November 11, 2004. The evidence of Friend 2 was that she did all the work for the paper. The Student submitted it as his own work. He did not do any work on the essay. She also testified that after he received the paper back with a mark of 60%, he told her that he was upset with this grade and told her that she “had not done very well”.
51. Friend 2 also gave evidence with respect to some assistance she provided to the Student in preparing answers to the questions that were provided in advance of the Christmas exam. She prepared a written essay answer to two questions. The Student told her that he would be copying it on to “cheat-sheets”. The evidence was not very clear as to whether he did use these “cheat-sheets” or not. Overall on this part of the Charges, the panel concluded that the evidence was not sufficient to register convictions.

52. The panel will register a conviction on count 49 which relates to the essay. It would dismiss counts 48 and 50 as duplicative. The panel would dismiss counts 51 and 52 relating to cheating on the exam as there is insufficient evidence to support these counts.

**Course JMC301 – Approaches to Modern East Asian History – Counts 53 to 57**

53. This was a full credit course commencing in the fall of 2004.
54. The first set of allegations in connection with this course relate to the work done on a term test in the fall of 2004. The evidence was that the instructor provided a hand-out with preparation questions. The Student had obtained draft answers from other students in the course and asked Friend 2 to edit them so they would not appear to be the same. He told her that he would be putting the revised answers onto a “cheat-sheet”. There was no clear evidence that he did, in fact, do this. Accordingly, the panel concluded that there was insufficient evidence to support a conviction on this allegation. Accordingly, the panel would dismiss counts 53 and 54.
55. Another course requirement was submission of an essay due on January 5, 2005 worth 25% of the final grade.
56. The evidence of Friend 2 was that she wrote the essay and that the Student did not work on it. The Student submitted the essay on January 25, 2005 as his own work.
57. The panel would register a conviction on count 56 and dismiss counts 55 and 57 as duplicative.

**THE PENALTY**

58. The University submitted that the appropriate penalty in the circumstances is as follows:

- (a) A recommendation to the President of the University of Toronto that the Student be expelled from the University;
- (b) That there be a mark of zero in each course; and
- (c) That the report of the decision be made to the Provost for publication in the University newspapers with the Student's name withheld.
- (d) In the alternative, in the event that the University does not accept the recommendation of the expulsion, that the Student be suspended for the period of 5 years.

59. The accepted guidelines for determining the appropriate sanction are as follows:

- (a) The character of the person charged;
- (b) The likelihood of a repetition of the offence;
- (c) The nature of the offence committed;
- (d) Any extenuating circumstances surrounding the commission of the offence;
- (e) The detriment to the University occasioned by the offence;
- (f) The need to deter others from the committing a similar offence.

60. The panel concluded that it was appropriate in this case to recommend expulsion.

61. This case involves a pattern of conduct showing complete disregard for the basic ethical principles upon which the University community rests. There was submission of work

that was not authored by the Student, that was not the Student's original work and that was entirely the work of others. There was evidence of cheating on tests and assignments. There was a pattern of deliberate dishonest and manipulative conduct. This involved not only violations of the University's practices and procedures, but also involved the manipulation of two students that the Student used to assist him in his scheme. This dishonesty and manipulation took place over a number of years and involved a number of courses.

62. There was no evidence of any extenuating circumstances. No evidence was presented by the Student to rebut the evidence of the "friends". The Student did not participate in the Tribunal process. In fact, there was evidence that he was intentionally evading service, and otherwise avoiding his responsibilities as a member of the University community. When initially confronted with the allegations at a meeting with the Dean's Designate he perpetuated his dishonesty by providing false explanations for his dishonest conduct. He showed no understanding of his wrongdoing.
63. It is very troubling that the Student made such extraordinary efforts to find ways to circumvent the rules of the University. He showed a pattern of deliberate disregard for University's basic rules of ethical conduct.
64. The number of courses and assignments involved in the elaborate planning that went into the implementation of the Student's dishonest scheme is overwhelming. The panel could think of no good reason to impose anything but the most severe penalty.



65. Taking all these factors into the account, the panel concluded that the appropriate penalty is:
- (a) A recommendation to the Governing Council for the Student's expulsion from the University of Toronto;
  - (b) The Student will be assigned the mark of zero in the following courses: HIS385, EAS203, EAS336, EAS437, EAS334, EAS204, EAS237, JMC301; and
  - (c) There will be a publication of the sanction and decision in the University publication with the name of the Student withheld.
  - (d) In the alternative, in the event that the recommendation of expulsion is not accepted, that the Student be suspended for a period of five years.

August 20, 2007

John Keefe, Chair

## Appendix A

### UNIVERSITY OF TORONTO

#### 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.

#### EAS102Y1

1. In or about December 2002 you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with Term Test #2 in EAS102Y1, contrary to section B.I.1.(b) of the *Code*.
2. In or about December 2002 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 Term Test #2 in EAS102Y1, contrary to section B.I.3(b) of the *Code*.
3. In or about February 2003 you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with Term Test #3 in EAS102Y1, contrary to section B.I.1.(b) of the *Code*.
4. In or about February 2003 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 Term Test #3 in EAS102Y1, contrary to section B.I.3(b) of the *Code*.
5. In or about April 2003 you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with the Final Exam in EAS102Y1, contrary to section B.I.1.(b) of the *Code*.

6. In or about April 2003 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 Final Exam in EAS102Y1, contrary to section B.I.3(b) of the *Code*.

### **EAS203Y1**

7. In the summer of 2003, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with your course work to fulfill the course requirements of EAS203Y1, contrary to section B.I.1(b) of the *Code*.
8. In the summer of 2003, 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 course work submitted to fulfill the course requirements of EAS203Y1, contrary to section B.I.3.(b) of the *Code*.
9. In the summer of 2003, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with your assignment which began "SARS has become one of the most talked about topic today" that you submitted on or about June 30, 2003 to fulfill the course requirements of EAS203Y1, contrary to section B.I.1(b) of the *Code*.
10. In the summer of 2003, you knowingly represented as your own an idea or expression of an idea or work of another in connection with your assignment which began "SARS has become one of the most talked about topic today" that you submitted on or about June 30, 2003 to fulfill the course requirements of EAS203Y1, contrary to section B.I.1(d) of the *Code*.
11. In the summer of 2003, 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 assignment which began "SARS has become one of

the most talked about topic today” that you submitted on or about June 30, 2003 to fulfill the course requirements of EAS203Y1, contrary to section B.I.3(b) of the *Code*.

12. In the summer of 2003, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with your essay entitled “SARS, its impact on the Chinese economy and society”, that you submitted on or about August 7, 2003 to fulfill the course requirements of EAS203Y1, contrary to section B.I.1(b) of the *Code*.
13. In the summer of 2003, you knowingly represented as your own an idea or expression of an idea or work of another in connection with your essay entitled “SARS, its impact on the Chinese economy and society”, that you submitted on or about August 7, 2003 to fulfill the course requirements of EAS203Y1, contrary to section B.I.1(d) of the *Code*.
14. In the summer of 2003, 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 essay entitled “SARS, its impact on the Chinese economy and society”, that you submitted on or about August 7, 2003 to fulfill the course requirements of EAS203Y1, contrary to section B.I.3(b) of the *Code*.
15. In the summer of 2003, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with a website submitted to fulfill the course requirements of EAS203Y1, contrary to section B.I.1.(b) of the *Code*.
16. In the summer of 2003, you knowingly represented as your own an idea or expression of an idea or work of another in connection with a website submitted to fulfill the course requirements of EAS203Y1, contrary to section B.I.1.(d) of the *Code*.
17. In the summer of 2003, 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 a website that you submitted to fulfill the course requirements of EAS203Y1, contrary to section B.I.3(b) of the *Code*.

### **EAS336H**

18. On or about October 14, 2003, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with Term Test 1 in EAS336H1, contrary to section B.I.1.(b) of the *Code*.
19. On or about October 14, 2003, you knowingly represented as your own an idea or expression of an idea or work of another in connection with Term Test 1 in EAS336H1, contrary to section B.I.1(d) of the *Code*.
20. On or about October 14, 2003, 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 Term Test 1 in EAS336H1, contrary to section B.I.3(b) of the *Code*.
21. On or about November 11, 2003, you did forge or in any other way alter or falsify any document or evidence required by the University, or to utter, circulate or make use of any such forged, altered or falsified document, whether the record be in print or electronic form in connection with Term Test 2, in EAS336H1, contrary to section B.I.1.(a) of the *Code*.
22. On or about November 11, 2003, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with Term Test 2 in EAS336H1, contrary to section B.I.1.(b) of the *Code*.
23. On or about November 11, 2003, you knowingly represented as your own an idea or expression of an idea or work of another in connection with Term Test 2 in EAS336H1, contrary to section B.I.1(d) of the *Code*.

24. On or about November 11, 2003, 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 Term Test 2 in EAS336H1, contrary to section B.I.3(b) of the *Code*.
25. On or about December 2, 2003, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with the term paper which began "The term "Spontaneity" is coming from natural feelings without constraint" submitted in EAS336H1, contrary to section B.I.1(b) of the *Code*.
26. On or about December 2, 2003, you knowingly represented as your own an idea or expression of an idea or work of another in connection with the term paper which began "The term "Spontaneity" is coming from natural feelings without constraint" submitted in EAS336H1, contrary to section B.I.1(d) of the *Code*.
27. On or about December 2, 2003, 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 term paper which began "The term "Spontaneity" is coming from natural feelings without constraint" in EAS336H1, contrary to section B.I.3(b) of the *Code*.

#### **EAS237Y1**

28. On or about September 23, 2003 you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with an untitled one-page response paper which began "I have always loved to watch Japanese movies" that you submitted in EAS237Y1, contrary to section B.I.1.(b) of the *Code*.
29. On or about September 23, 2003, you knowingly represented as your own an idea or expression of an idea or work of another in connection with an untitled

one-page response paper which began "I have always loved to watch Japanese movies" that you submitted in EAS237Y1, contrary to section B.I.1(d) of the *Code*.

30. On or about September 23, 2003, 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 an untitled one-page response paper which began "I have always loved to watch Japanese movies" that you submitted in EAS237Y1, contrary to section B.I.3(b) of the *Code*.
31. On or about November 4, 2003, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with an untitled one-page response paper which began "From the Oct 28<sup>th</sup>'s lecture, I have learned something very interesting about film, acting with life" that you submitted in EAS237Y1, contrary to section B.I.1.(b) of the *Code*.
32. On or about November 4, 2003, you knowingly represented as your own an idea or expression of an idea or work of another in connection with an untitled one-page response paper which began "From the Oct 28<sup>th</sup>'s lecture, I have learned something very interesting about film, acting with life" that you submitted in EAS237Y1, contrary to section B.I.1(d) of the *Code*.
33. On or about November 4, 2003, 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 an untitled one-page response paper which began "From the Oct 28<sup>th</sup>'s lecture, I have learned something very interesting about film, acting with life" that you submitted in EAS237Y1, contrary to section B.I.3(b) of the *Code*.
34. On or about November 11, 2003 you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with

an essay that you submitted in EAS237Y1, contrary to section B.I.1.(b) of the *Code*.

35. On or about November 11, 2003, you knowingly represented as your own an idea or expression of an idea or work of another in connection with an essay that you submitted in EAS237Y1, contrary to section B.I.1(d) of the *Code*.
36. On or about November 11, 2003, 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 an essay that you submitted in EAS237Y1, contrary to section B.I.3(b) of the *Code*.

#### **HIS385Y1**

37. On or about November 11, 2003 you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with a Book Report that you submitted in HIS385Y1, contrary to section B.I.1.(b) of the *Code*.
38. On or about November 11, 2003, you knowingly represented as your own an idea or expression of an idea or work of another in connection with a Book Report that you submitted in HIS385Y1, contrary to section B.I.1(d) of the *Code*.
39. On or about November 11, 2003, 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 a Book Report that you submitted in HIS385Y1, contrary to section B.I.3(b) of the *Code*.

#### **EAS334Y1**

40. On or about August 11, 2004 you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with a Test in EAS334Y1, contrary to section B.I.1.(b) of the *Code*.



41. On or about August 11, 2004, you knowingly represented as your own an idea or expression of an idea or work of another in connection with a Test in EAS334Y1, contrary to section B.I.1(d) of the *Code*.
42. On or about August 11, 2004, 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 a Test in EAS334Y1, contrary to section B.I.3(b) of the *Code*.

### **EAS437Y1**

43. In the summer of 2004, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with your course work to fulfill the course requirements of EAS437Y1, contrary to section B.I.1(b) of the *Code*.
44. In the summer of 2004, 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 course work that you submitted to fulfill the course requirements of EAS437Y1, contrary to section B.I.3(b) of the *Code*.
45. On or about August 16, 2004, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with an essay entitled "Independent Studies History of Chinese Women: Talking about prostitute in Ming Dynasty" in EAS437Y1, contrary to section B.I.1.(b) of the *Code*.
46. On or about August 16, 2004, you knowingly represented as your own an idea or expression of an idea or work of another in connection with an essay entitled "Independent Studies History of Chinese Women: Talking about prostitute in Ming Dynasty" in EAS437Y1, contrary to section B.I.1(d) of the *Code*.

47. On or about August 16, 2004, 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 an essay entitled "Independent Studies History of Chinese Women: Talking about prostitute in Ming Dynasty" in EAS437Y1, contrary to section B.I.3(b) of the *Code*.

**EAS204Y1**

48. On or about November 11, 2004, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with an essay which began "Historians have employ "empire" and "nation" as analytical categories..." submitted in EAS204Y1, contrary to section B.I.1.(b) of the *Code*.
49. On or about November 11, 2004, you knowingly represented as your own an idea or expression of an idea or work of another in connection with an essay which began "Historians have employ "empire" and "nation" as analytical categories..." submitted in EAS204Y1, contrary to section B.I.1(d) of the *Code*.
50. On or about November 11, 2004, 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 an essay which began "Historians have employ "empire" and "nation" as analytical categories..." submitted in EAS204Y1, contrary to section B.I.3(b) of the *Code*.
51. In or about December 2004, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with a Christmas exam in EAS204Y1, contrary to section B.I.1.(b) of the *Code*.
52. In or about December 2004, 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 a Christmas exam in EAS204Y1, contrary to section B.I.3.(b) of the *Code*.

### **JMC301Y1**

53. In or about the fall of 2004, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with Term Test 1 in JMC301Y1, contrary to section B.I.1.(b) of the *Code*.
54. In or about the fall of 2004, 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 Term Test 1 in JMC301Y1, contrary to section B.I.3(b) of the *Code*.
55. On or about January 5, 2005, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with an essay entitled "Nationalism and China's 20<sup>th</sup> Century Revolution" submitted in JMC301Y1, contrary to section B.I.1.(b) of the *Code*.
56. On or about January 5, 2005, you knowingly represented as your own an idea or expression of an idea or work of another in connection with an essay entitled "Nationalism and China's 20<sup>th</sup> Century Revolution" submitted in JMC301Y1, contrary to section B.I.1(d) of the *Code*.
57. On or about January 5, 2005, 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 an essay entitled "Nationalism and China's 20<sup>th</sup> Century Revolution" submitted in JMC301Y1, contrary to section B.I.3(b) of the *Code*.

## **Particulars**

Particulars of the charges are as follows:

### **EAS102Y1**

58. You were, at all material times, a student in EAS102Y1 in the fall term 2002 and winter term 2003, taught by Professor Rick Guisso.
59. On or about December 4, 2002 you wrote Term Test 2 using unauthorized aids and assistance from B.W. in the form of answers to test questions which had been prepared by B.W. in advance of the test.
60. On or about February 26, 2003 you wrote Term Test 3 using unauthorized aids and assistance from B.W. in the form of answers to test questions which had been prepared by B.W. in advance of the test.
61. In or about April 2003 you wrote the Final Exam using unauthorized aids and assistance from B.W. in the form of answers to test questions which had been prepared by B.W. in advance of the test.

### **EAS203Y1**

62. You were, at all material times, a student in EAS203Y1 in the summer of 2003, taught by Mr. George Zhao.
63. All, or virtually all, of the course work that you submitted for credit in this course was not done by you, but was prepared and written by B.W., without attribution.
64. On or about June 30, 2003 you submitted an assignment which was not written by you, but was written instead by B.W., without attribution.
65. On or about August 7, 2003 you submitted a research paper entitled "SARS, its impact on the Chinese economy and society", which paper was not written by you, but was written by B.W. and submitted by you for credit, without attribution

### **EAS336H**

66. You were, at all material times, a student in EAS336H taught by Professor Graham Sanders in the fall term of 2003.
67. On or about October 14, 2003 you wrote Term Test 1 using unauthorized aids and assistance from B.W. in the form of answers to test questions which had been prepared by B.W. in advance of the test.
68. On or about November 11, 2003 or shortly thereafter, during a make-up test for Term Test 2, you substituted a pre-written examination test answer sheet for the official test answer paper. The answers written by you in the substituted test answer paper were not written by you, but were written by F.I.
69. On or about November 11, 2003 you submitted a term paper in your name on or about December 2, 2003 which was not written by you, but was written by F.I.

### **EAS237Y1**

70. You were, at all material times, a student in EAS237Y1 taught by Professor Eric Cazdyn in the fall term of 2003 and winter term of 2004.
71. On or about September 23, 2003 you submitted a one-page response paper which was not written by you, but which was written by B.W.
72. On or about November 4, 2003, you submitted a one-page response paper that was not written by you, but was written by B.W.
73. On or about November 11, 2003 you submitted a paper that was not written by you, but was written by B.W.

### **HIS385Y1**

74. You were, at all material times, a student in HIS385Y1 taught by Mr. Chin Lim in the fall of 2003 and winter term of 2004.

75. On or about November 11, 2003 you submitted a book report in HIS385Y1 which was not written by you, but was written by B.W., and no attribution was given to her.

**EAS334Y1**

76. You were, at all material times, a student in EAS334Y1 in the summer of 2004, taught by Dr. Antje Budde.
77. In the summer of 2004 you used answers to test questions which had been prepared by F.I. in advance of the test, during the writing of the test.

**EAS437Y1**

78. You were, at all material times, a student in EAS437Y1 in the summer of 2004, taught by Professor Rick Guisso.
79. F.I. did all or virtually all of the work required of you in this course, and in particular she wrote a paper entitled "Independent Studies History of Chinese Women: Talking about prostitute in Ming Dynasty", dated August 16, 2004. You submitted that essay in your name, without attribution to F.I.

**EAS204Y1**

80. You were, at all material times, a student in EAS204Y1 taught by Yu Chang in the fall term of 2004 and the winter term of 2005.
81. On or about November 11, 2004 you submitted an essay in EAS204Y1 which was not written by you, but was written by F.I.
82. You wrote the Christmas exam in EAS204Y1 with the aid and assistance of cheat sheets prepared for you by F.I. which you took into the exam and used in answering the exam questions.

**JMC301Y1**

83. You were, at all material times, a student in JMC301Y1 taught by Professor Victor Falkenheim in the fall 2004 and winter 2005 terms.
84. On or about January 5, 2005 you submitted an essay in JMC301Y1 which was written by F.I., for which no attribution was given to her.