

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made in January 28, 2005,

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

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

The Student

Members of the panel:

- Rodica David Q.C., Chair
- Professor William Weiss, Faculty Panel Member
- Ms Coralie D'Souza, Student Panel Member

Appearances:

- Mr. Robert Centa for the University of Toronto
- Professor Scott Graham
- Ms Lucy Gaspini

- The Student, by arrangement, did not appear

NOTICE OF HEARING AND CHARGES

[1] The Trial Division of the University Tribunal was convened on May 18, 2006 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the "Code"). The Notice of Hearing is dated May 3, 2006. The charges are as follows:

1. Contrary to Section B.I.1(d) of the Code of Behaviour on Academic Matters (the "Code), on or about February 13, 2004, you knowingly represented as your own, an idea or expression of an idea, and/or work of another in connection with a form of academic work, namely, your assignment entitled "Assignment 2: GISney World: Vector Analysis", which you submitted to fulfill the course requirements of GGR 261.

2. Contrary to B.II.1(a)(ii) of the Code, on or about February 13, 2004, you knowingly did or omitted to do something for the purpose of aiding or assisting Unnamed to commit an offence under section B.I.1(d) of the Code with respect to his assignment entitled "Assignment #2. Gisney World: Vector Analysis", which he submitted to fulfill the course requirements of GGR 261.
3. Contrary to B.II.1(a)(iv) of the Code, on or about February 13, 2004, you knowingly abetted, counseled, procured or conspired with Unnamed to commit an offence under section B.I.1(d) of the Code with respect to his assignment entitled "Assignment #2. Gisney World: Vector Analysis", which he submitted to fulfill the course requirements of GGR 261.
4. Contrary to Section B.I.1.(b) of the Code, on or about February 13, 2004, you knowingly obtained unauthorized assistance in connection with a form of academic work, namely, your assignment entitled "Assignment 2: GISney World: Vector Analysis", that you submitted to fulfill the course requirements of GGR 261.
5. Contrary to B.II.1(a)(ii) of the Code, on or about February 13, 2004, you knowingly did or omitted to do something for the purpose of aiding or assisting Unnamed to commit an offence under section B.I.1(b) of the Code with respect to his assignment entitled "Assignment #2. Gisney World: Vector Analysis", which he submitted to fulfill the course requirements of GGR 261.
6. Contrary to B.II.1(a)(iv) of the Code, on or about February 13, 2004, you knowingly abetted, counseled, procured or conspired with Unnamed to commit an offence under section B.I.1(b) of the Code with respect to his assignment entitled "Assignment #2. Gisney World: Vector Analysis", which he submitted to fulfill the course requirements of GGR 261.
7. In the alternative, contrary to Section B.I.3(b) of the Code, on or about February 13, 2004, 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 a report entitled "Assignment 2: GISney World: Vector Analysis", which you submitted to fulfill course requirements in GGR 261.
8. Contrary to B.II.1(a)(ii) of the Code, on or about February 13, 2004, you knowingly did or omitted to do something for the purpose of aiding or assisting Unnamed to commit an offence under section B.I.3(b) of the Code with respect to his assignment entitled "Assignment #2. Gisney World: Vector Analysis", which he submitted to fulfill the course requirements of GGR 261.
9. Contrary to B.II.1(a)(iv) of the Code, on or about February 13, 2004, you knowingly abetted, counseled, procured or conspired with Unnamed to commit an offence under section B.I.3(b) of the Code with respect to his assignment entitled "Assignment #2. Gisney World: Vector Analysis" which he submitted to fulfill the course requirements of GGR 261.

10. Contrary to Section B.I.1(d) of the Code, on or about April 6, 2004, you knowingly represented as your own, an idea or expression of an idea, and/or work of another in connection with a form of academic work, namely, your assignment entitled “Municipality of GISney World Site Suitability Analysis Design for the Optimal Sites for a Pollution Monitoring Station: Raster and Vector Model Report”, which you submitted to fulfill the course requirements of GGR 261.
11. Contrary to B.II.1(a)(ii) of the Code, on or about April 5, 2004, you knowingly did or omitted to do something for the purpose of aiding or assisting Unnamed to commit an offence under section B.I.1(d) of the Code with respect to his assignment entitled “Spatial Analysis Proposal: Locating a Pollution Monitoring Station”, which he submitted to fulfill the course requirements of GGR 261.
12. Contrary to B.II.1(a)(iv) of the Code, on or about April 5, 2004, you knowingly abetted, counseled, procured or conspired with Unnamed to commit an offence under section B.I.1(d) of the Code with respect to his assignment entitled “Spatial Analysis Proposal: Locating a Pollution Monitoring Station”, which he submitted to fulfill the course requirements of GGR 261.
13. Contrary to Section B.I.1.(b) of the Code, on or about April 6, 2004, you knowingly obtained unauthorized assistance in connection with a form of academic work, namely, your assignment entitled “Municipality of GISney World Site Suitability Analysis Design for the Optimal Sites for a Pollution Monitoring Station: Raster and Vector Model Report”, that you submitted to fulfill the course requirements of GGR 261.
14. Contrary to B.II.1(a)(ii) of the Code, on or about April 5, 2004, you knowingly did or omitted to do something for the purpose of aiding or assisting Unnamed to commit an offence under section B.I.1(b) of the Code with respect to his assignment entitled “Spatial Analysis Proposal: Locating a Pollution Monitoring Station”, which he submitted to fulfill the course requirements of GGR 261.
15. Contrary to B.II.1(a)(iv) of the Code, on or about April 5, 2004, you knowingly abetted, counseled, procured or conspired with Unnamed to commit an offence under section B.I.1(b) of the Code with respect to his assignment entitled “Spatial Analysis Proposal: Locating a Pollution Monitoring Station”, which he submitted to fulfill the course requirements of GGR 261.
16. In the alternative, contrary to Section B.I.3(b) of the Code, on or about April 6, 2004, 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 a report entitled “Municipality of GISney World Site Suitability Analysis Design for the Optimal Sites for a Pollution Monitoring Station: Raster and Vector Model Report”, which you submitted to fulfill course requirements in GGR 261.
17. Contrary to B.II.1(a)(ii) of the Code, on or about April 5, 2004, you knowingly did or omitted to do something for the purpose of aiding or assisting Unnamed to

commit an offence under section B.I.3(b) of the Code with respect to his assignment entitled “Spatial Analysis Proposal: Locating a Pollution Monitoring Station”, which he submitted to fulfill the course requirements of GGR 261.

18. Contrary to B.II.1(a)(iv) of the Code, on or about April 5, 2004, you knowingly abetted, counseled, procured or conspired with Unnamed to commit an offence under section B.I.3(b) of the Code with respect to his assignment entitled “Spatial Analysis Proposal: Locating a Pollution Monitoring Station” which he submitted to fulfill the course requirements of GGR 261.
19. Pursuant to Section B of the Code, you are deemed to have committed the offence knowingly if you ought reasonably to have known that you
 - a. represented as your own, an idea or expression of an idea, and/ or work of another in connection with a form of academic work;
 - b. used or possessed an unauthorized aid or aids or obtained unauthorized assistance in any academic examination or term test;
 - c. engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit;
 - d. did or omitted to do anything for the purpose of aiding or assisting another member to commit the offence; or
 - e. abetted, counseled, procured or conspired with another member to commit or be a party to an offence.

[2] Particulars of the charges are as follows:

1. You were, at all material times, a student in GGR261S by Professor Csillag the fall of Winter of 2004.
2. On or about February 13, 2004, you submitted “Assignment 2: GISney World: Vector Analysis” to fulfill the requirements of GGR261S. Your assignment very closely resembled the assignment handed in by Unnamed, another student in GGR261S.
3. On or about April 6, 2004, you submitted “Municipality of GISney World Site Suitability Analysis Design for the Optimal Sites for a Pollution Monitoring Station: Raster and Vector Model Report.” This assignment very closely resembled the assignment handed in by Unnamed, another student in GGR261S.

THE HEARING

[3] At the outset of the hearing the Tribunal was advised that the Student was not expected to appear before the panel. Instead, the Student submitted a sworn affidavit agreeing with the University to the facts of the case. In the affidavit, the Student agreed to plead guilty to Charges ## 4, 5, 10, 13 and 14. The University withdrew the remaining charges.

- [4] After reviewing the agreed set of facts set out in the Student's affidavit, the panel unanimously agreed after deliberation to accept the Student's guilty pleas.
- [5] The remainder of the hearing considered the appropriate penalty in the circumstances.
- [6] The Tribunal was advised that The Student and the University entered into a Joint Submission on Penalty. A copy of the Joint Submission on Penalty is attached hereto.
- [7] The University and the Student jointly submitted that the appropriate penalty was:
1. That the Student:
 - (1) receive a grade of zero in the course GGR 261;
 - (2) be suspended from the University for a period of two years from May 18, 2006 to May 17, 2008; and
 - (3) have her academic record and transcript bear a notation of these academic offences from May 18, 2006 to May 17, 2008.
 2. The University of Toronto and the Student submit that the University should publish these offences with the Student's name withheld.
- [8] Mr. Centa for the University presented brief submissions on penalty and presented the panel with a Book of Authorities, arguing for the appropriateness of the penalty.
- [9] The panel thanked the participants for their submissions and broke to deliberate.

CONCLUSION AND REASONS

- [10] In view of the Joint Submission on Penalty and the Student's sworn affidavit the panel unanimously accepts the Joint Submission and imposes the jointly submitted sanction noted above.
- [11] The panel notes that, in considering the appropriate sanction, they accept the principle that a joint submission on penalty cannot be taken lightly and must carry a great deal of weight.
- [12] Furthermore, the panel has had an opportunity to review several decisions of other panels of the University Tribunal and, in particular, 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:
- (1) the character of the person charged;
 - (2) the likelihood of a repetition of the offence;
 - (3) the nature of the offence committed;

- (4) any extenuating circumstances surrounding the commission of the offence;
 - (5) the detriment to the university occasioned by the offence;
 - (6) the need to deter others from committing a similar offence.
- [13] In the present case, with respect to the Student's character, the panel has no evidence before it except for the student's admissions and acknowledgement of misconduct. This acknowledgement speaks to some degree of the Student's character.
- [14] With respect to the likelihood of repetition, the panel considers the jointly submitted sanction sufficiently severe that it is their hope that the Student will not offend again.
- [15] The panel considers the offences in question to be serious offences and the sanction it has imposed reflects this.
- [16] There were no extenuating circumstances before the panel.
- [17] Clearly, in the panel's view, it is not in any way in the interest of the University to tolerate the offences considered in this hearing. The sanction outlined above and imposed by the panel speaks to the detriment to the University occasioned by the offences.
- [18] Similarly, noting in particular the Tribunal's order that the University should publish a notice of the Tribunal's decision and of the sanctions imposed in this matter with the student's name withheld, the panel believes that the sanction it has imposed addresses the University's interest in deterring other students from committing similar offences.
- [19] In the panel's view, all of the criteria advanced by the late and former Mr. Justice Sopinka are addressed and met by the sanction contemplated by the Joint Submission and imposed by panel.

DATED at Toronto, May 24, 2006

_____, Chair