

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on July 23, 2013;

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

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

BETWEEN:

THE UNIVERSITY OF TORONTO

- and -

N [REDACTED] P [REDACTED]

Date of Hearing: January 30, 2014

Members of the Panel

Mr. Clifford Lax, Q.C., Chair
Professor Louis Florence, Faculty Panel Member
Mr. Peter Qiang, Student Panel Member

Appearances

Ms. Tina Lie, Assistant Discipline Counsel for the University, Paliare Roland Barristers
Professor Eleanor Irwin, Dean's Designate, University of Toronto Scarborough
Mr. N [REDACTED] P [REDACTED], the Student

In Attendance

Ms. Sinéad Cutt, Administrative Assistant, Appeals, Discipline and Faculty Grievances

REASONS FOR DECISION

1. Mr. P████ and the University of Toronto filed an Agreed Statement of Facts which resulted in a conviction on four counts of academic dishonesty contrary to the *Code of Behavior on Academic Matters* (the "Code").
2. Two of the four counts were the result of Mr. P████'s personation of faculty members in an Organic Chemistry course at the University of Toronto Scarborough Campus ("UTSC"). Mr. P████'s personation of the faculty members was an attempt to convince them to give him a copy of the examination paper. Because Mr. P████ personated two people, he was convicted on two separate counts, each relating to one of the instructors.
3. Mr. P████ was also found guilty of the offence of obtaining unauthorized assistance in connection with an academic examination contrary to section B.I.3(b) of the Code.
4. Lastly, Mr. P████ was found guilty of engaging in a form of cheating, academic dishonesty or misconduct, contrary to section B.I.3(b) of the Code in that he did wrongly remove an examination from the examination room, with a view to claiming that it had been misplaced or lost, after having allegedly been turned in by him.

The Admission of Guilt

5. Mr. P████ appeared at the disciplinary hearing and admitted his guilt.
6. Following his admission of guilt, the university withdrew one count and the hearing proceeded to deal with the appropriate penalty for the four counts to which Mr. P████ had pleaded guilty.

Patel's Conduct

7. Mr. P████ perpetrated a sophisticated scheme in which he pretended to be one faculty member in correspondence with a second faculty member, in which a copy of the exam was requested. It was his bad luck that one of the faculty members was vigilant and noted that the domain name from which P████'s emails emanated, was not an authorized internet address for University of Toronto faculty members. As a result, one of the instructors, who had been personated, asked the University of Toronto's Information & Instructional Technology Services department to investigate the suspicious emails and they were tracked back to Mr. P████.
8. This scheme required Mr. P████ to create three email addresses purporting to be the email accounts of the two faculty members. Then using the three email addresses that he had created, he wrote 11 emails in his attempts to obtain a copy of the examination paper or alternatively, to cover his tracks when he realized that one of the instructors had grown suspicious. Therefore, the personation was not a single and isolated instance of bad judgment but was a deliberately and carefully planned attempt over the course of four days to wrongly obtain the examination questions.

9. Having failed to obtain the exam, Mr. P ■ attended the examination on April 15, 2013. He signed the examination candidate form confirming his attendance at the examination but did not submit his test paper to the invigilators. Rather he surreptitiously removed his test paper from the examination room.
10. The invigilators quickly realized that they were missing one exam paper and wrote to all of the students on April 16, 2013 causing Mr. P ■ to acknowledge that it was he who had removed his test paper from the examination room.

Meeting with the Dean's Designate

11. On May 1, 2013, Mr. P ■ met with Professor Eleanor Irwin, the Dean's Designate for the administration of the Code and admitted only to having removed his test paper from the examination room. He denied that he had personated the two faculty members in an attempt to wrongly obtain the examination papers. This denial was, of course, false.
12. Professor Irwin sagely agreed to adjourn the meeting from May 1, 2013 to May 8, 2013 to permit Mr. P ■ to seek legal advice. The clear unstated message was that Mr. P ■ should reconsider his denial of the personation of the faculty members.
13. On May 8, 2013, the meeting was reconvened and at that time, Mr. P ■ admitted that he had created email addresses in the names of the two faculty members and had sent emails from those addresses to try to obtain a copy of the final examination in the course.

Penalty

14. The University sought the following sanction:
 - (a) A final grade of zero in the course CHMB42H3 (Organic Chemistry);
 - (b) A suspension from the University of Toronto from May 1, 2014 for a period of four years, ending on April 30, 2018; and
 - (c) that the sanction be recorded on his academic record and transcript from the date of this order until graduation; and
 - (d) that this case be reported to the Provost, with Mr. P ■'s name withheld, for publication of a notice of the decision of the Tribunal and the sanction imposed.
15. Mr. P ■ filed a "Letter of Mitigation" in which he expressed remorse for his conduct. He asked this Tribunal to take three things into consideration:
 - (1) This was his first offence.
 - (2) That he had a good overall academic standing, notwithstanding the fact that he struggled with Organic Chemistry.
 - (3) He felt compelled to carry out this scheme due to immense pressures from his family to do well.

16. Mr. P ■ submitted that the penalty sought by the University was too harsh and that the period of suspension should be less than four years as it was "unfair" to postpone his graduation for that length of time. He was prepared to participate in unspecified courses on ethics, academic honesty or academic integrity to reassure the University that he was unlikely to re-offend. Sadly however, while Mr. P ■ acknowledged his guilt and his deep remorse for what he had done, it was clear to this Panel that Mr. P ■ had yet to accept full responsibility for his own conduct. In his submissions to this Panel, he suggested that the University itself had played a role in encouraging or abetting his improper behavior. We believe that his rationalization in attempting to shift the responsibility to the University, indicates his failure to fully come to grips with his own misconduct.
17. This Panel concludes that Mr. P ■'s conduct requires severe sanction. Had he succeeded in obtaining the examination by his sophisticated ruse, he would almost certainly have been expelled and unable to ever graduate from the University.
18. The fact that he did not succeed and did plead guilty (albeit after a little encouragement from Professor Irwin), justifies reduction in the period of suspension from the maximum of five years to the four year suspension sought by the University.
19. In all other respects the Panel agrees with the sanctions proposed by the University. The sanctions appropriately reflect the serious, deliberate and repeated behavior underlying the convictions.
20. Therefore, we order:
 - (a) A final grade of zero (0) in the course CHMB42H3 (Organic Chemistry);
 - (b) That Mr. P ■ be suspended from the University of Toronto from May 1, 2014 for a period of four years, ending on April 30, 2018;
 - (c) That this sanction be recorded on Mr. P ■'s academic record and transcript from the date of this order until graduation; and
 - (d) That this case be reported to the Provost, with Mr. P ■'s name withheld, for publication of a notice of the decision of the Tribunal and the sanction imposed.

All of which is ordered the 30th day of January, 2014.

DATED at Toronto this 18th day of February 2014.


Mr. Clifford Lax, Q.C., Chair