



March 20, 2000

Via Registered Mail

Personal and Confidential

Ms D.

[REDACTED]

Toronto, ON

[REDACTED]

Dear Ms D.:

I write to confirm formally the decision of the University Tribunal. I apologize for the delay in issuing this decision.

At its hearing held on November 24, 1999, the Trial Division of the University Tribunal considered the following charges against you:

1. On or about June 5, 1998 you did knowingly forge or in any other way alter or falsify a document or evidence required by the University, namely, a letter purportedly dated June 5, 1998 from Dr. B. Mahabir, in support of a petition for late withdrawal without academic penalty in the 1998 Winter Session courses ASTA03Y and CLAB10S, or you did utter, circulate or make use of such forged, altered or falsified document contrary to Section B.I.1(a) of the *University of Toronto Code of Behaviour on Academic Matter, 1995*. Pursuant to Section B of the *Code*, you are deemed to have acted knowingly if you ought reasonably to have known that you forged, altered or falsified the document or evidence or uttered, circulated or made use of a forged, altered or falsified document or evidence.
2. In the alternative, on or about November 4, 1998, you did knowingly engage in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage or any kind, namely, you submitted a letter purportedly dated June 5, 1998 from Dr. B. Mahabir, in support of a petition for late withdrawal without academic penalty in the 1998 Winter Session courses ASTA03Y and CLAB10S, contrary to Section B.1.3(b) of the *University Code of Behaviour in Academic Matters, 1995*. Pursuant to Section B of the *Code*, you are deemed to have acted knowingly if you ought reasonably to have known that you engaged in cheating,

academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind.

The Panel received an Agreed Summary of Facts, dated November 24, 1999, in which you acknowledged that you were guilty of the first charge. After deliberation, the Panel concurred with the Agreed Summary of Facts and found you guilty of the first charge.

The Panel also received a Joint Submission with Respect to Sanction, dated November 24, 1999. After deliberation, the Chair thanked both Counsel for their joint submissions and provided the following statement on behalf of the panel.

The Chair responded to a number of the mitigating factors which have been suggested.

First, it had been said, both by the University Counsel and by the defendant's Counsel, that Ms D. is a good student. This has been a very unfortunate episode in Ms D.'s life. However, it is also unfortunate that statements that Ms D. is "a good student" no longer carry the same luster that they used to. If someone were to review the transcript of Ms D., they might say that is a good student's transcript. If someone were then to tell them it was a transcript of a student who was convicted of an academic offense, they would have to ask whether that was really such a good student after all. One looks at these excellent marks, which were probably earned through hard work, but after learning that this is the transcript of a person who has been convicted of an academic offense, one has to ask how did she get those marks? Obviously, the panel does not conclude that there is any wrong doing in the way that Ms D. got those marks but the panel has to temper the expression that Ms D. is a good student with the realization that it is just not as clear cut as we would all like it to be. As a result of her behavior, unfortunately, Ms D. has demeaned herself as a student.

Second, it had been stated that Ms D. had come forward and acknowledged her wrongdoing. The panel was not impressed with that submission to any great extent. While an agreed statement of fact is better than having fought it out in a hearing, there were many opportunities for Ms D. to have acknowledged what she had done early on in the process. The panel was very troubled by the premeditation of the act, the deliberate pursuit of it over many months, and the continued deceit of the Dean. It was fortunate that Ms D. had, in the process leading up to this hearing, received good advice or had come to a late realization of the advantages of now being honest. However, it came too late in the process for the panel to give this circumstance much merit.

Third, it had been suggested that the advantage Ms D. had secured was minimal because her misconduct was not designed to help her pass a course that she would have failed. Rather, the misconduct had been to improve a mark in a course that she had already passed. This was not an argument that the panel found particularly persuasive. It suggested that cheating was more acceptable for smarter students and that a poor student who cheated to pass a course should be

penalized more harshly. The panel did not agree with this argument. At the same time the panel accepted Counsels' submissions that Ms D. had honestly earned a passing grade, albeit one that was unsatisfactory to her, we accept that she earned a passing grade in the two courses in question. The panel considered assigning failing grades to these courses; however, the panel agreed with both Counsel that Ms D. had honestly earned her marks in these courses.

The panel had initially believed that a one-year suspension, as was recommended in the Joint Submission with Respect to Sanction, was too mild a penalty. It believed that it sent a wrong message to other members of the academic community. Students might think that cheating was worth the risk, given that this penalty was for only a one-year suspension. The panel also found the acts of Ms D. personally offensive and considered that a one-year suspension was too mild a penalty.

However, the panel also acknowledged that there was a legitimate reason to accept the recommendations contained in the Joint Submission with Respect to Sanction. The panel was also mindful of the role of Discipline Counsel in these proceedings and it recognized that an increase in a penalty which was jointly recommended would make that role more difficult in future. At the same time the panel was confident that when these types of situations are discussed, it is made known to all that the ultimate sanction is in the hands of the Tribunal and the Tribunal is not bound by the recommendation of Counsel.

Part of the recommendation was for a notation on Ms D.'s transcript until November of 2001. In other words, Ms D. would have been content to have a blemish on her transcript until that period of time. This would be a very serious matter to a person applying to graduate schools or to potential employers. However, most employers do not require transcripts. The fact that Ms D. had committed an academic offence would not, therefore, be brought to the attention of prospective employers. The real impact of this sanction would therefore be to delay Ms D.'s entrance into graduate school. The panel believed this is a good thing. Ms D. is a very young person, and it was perhaps her youth that was to blame for her academic misconduct. It was the view of the panel that a delay in Ms D.'s pursuit of graduate studies would give her time to reflect upon and appreciate the seriousness of this offense.

Despite the submissions of Counsel, the panel decided that the proposed recommendations did not reflect the gravity of the offence and did not achieve what the panel thought would be an appropriate balance. It, therefore, determined that the sanctions should be as follows:

- that the student be suspended until November 1, 2001; and
- that the matter be reported the Vice-President and Provost for publication in the University newspapers, with the student's name withheld.

The panel did not believe it appropriate for there to be a notation on the student's transcript beyond the term of suspension. The panel believed it appropriate that the blemish on Ms D.'s academic record be for the duration of her suspension.

Yours sincerely,

Margaret McKone

Ms Margaret McKone
Acting Secretary
University Tribunal

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