

UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION

Members of the Panel:

N. Jane Pepino, Q.C., Co-Chair

Chris Ambidge, Faculty member, Faculty of Applied Science and Engineering

M. Blair Mascall, student, OISE/UT

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 S.S.

Salim Hirji, for the Student

Lily I. Harmer, for the University of Toronto

In attendance:

S.S.

Michael Lettieri, Associate Dean, University of Toronto at Mississauga

REASONS FOR DECISION

[1] A hearing of the Trial Division of the University Tribunal was convened at 5:00 p.m. on Thursday, February 28, 2002, in the Falconer Room, Simcoe Hall, to consider two charges under the *Code of Behaviour on Academic Matters* laid against S.S. by letter dated September 20, 2000 from the Vice-President and Provost, Professor Adel Sedra. At the commencement of the proceedings Ms. Harmer advised the tribunal that the University was abandoning the second charge. As a result, the following charge was the only matter before the Panel:

1. On or about June 27, 2000, you did knowingly use or possess an unauthorized aid or aids or obtained unauthorized assistance in an academic examination namely, during the writing of, [*sic*] the final exam in PHL 272H5F, contrary to Section B.I.1.(b) of the *Code of Behaviour on Academic Matters, 1995*. Pursuant to Section B of the

In the matter of disciplinary charges against S.S.

Code you are deemed to have acted knowingly if you ought reasonably to have known that you used or possessed an unauthorized aid or aids or obtained unauthorized assistance.

[2] Mr. S. pled guilty to the charge. An Agreed Statement of Fact dated February 28th, 2002 and signed by Mr. S., Mr. Hirji and Ms. Harmer was admitted into evidence. The Agreed Statement of Fact revealed the following facts:

1. In the summer term of 2000, Mr. S. was enrolled as a student in PHL 272H5F – Philosophy of Education at the University of Toronto at Mississauga, Erindale College, Faculty of Arts and Science. Karen Detlefsen, Instructor, taught this course.
2. The final examination in PHL 272H5F was held on June 27, 2000. It was worth 40% of the final mark in the course.
3. Students were asked to answer three of four questions in the examination booklets provided. Each question was of equal value.
4. The words “No Aids Allowed” appeared on the examination paper.
5. One week before the examination, Karen Detlefsen gave the students a document titled “Final Exam Study Questions” which contained seven study questions and instructions for the examination. The students were informed by Ms. Detlefsen and by the written instructions that the exam would require them to answer three questions which had been chosen from the seven study questions. The written instructions further informed the students that the wording of the final exam questions would be exactly as found in the study questions, and that “[t]he only surprise will be which of the seven questions will appear”.
6. At the final examination on June 27, 2000 the students were provided with the exam question sheet containing four of the questions from the study sheet entitled “Final Exam Study Questions”. Students were asked to answer three of these questions. The students were also each provided with two blank exam booklets.
7. Mr. S. attended at the examination on June 27, 2000. Mr. S. brought to the examination written answers to two of the exam questions, which answers were prepared prior to the commencement of the examination. These answers were written in an examination booklet similar to those distributed during the final examination. Mr. S. inserted these pre-written answers into the cover of an examination booklet provided at the examination. Mr. S. did not answer any of the other exam questions during the exam.
8. Mr. S. acknowledges that he knowingly used and possessed these unauthorized aids in his final examination in PHL 272H5F contrary to section B.I.1(b) of the Code of Behaviour on Academic Matters (the “Code”). As such, he acknowledges that he is

In the matter of disciplinary charges against S.S.

guilty of charge number 1 contained in the University's letter to him of September 20, 2000.

[3] The Panel considered the guilty plea together with the Agreed Statement of Facts and was satisfied that Mr. S. is guilty of the charge before the Panel.

[4] The Panel released an oral decision at the conclusion of the hearing. The Panel considered this to be a very serious offense, one that goes to the heart of the relationship between the University and the student. This particular offense is also considered very serious because of its premeditated nature and because it involved deceit with the potential of not being discovered. The Panel was satisfied that no extenuating circumstances were brought forward with respect to this offense. The Panel also observed that it is very important that students be made aware through publication of this offense with the resultant disposition. The Panel stated that it is important that the University community be aware of not only the seriousness of the offense itself, but also the seriousness with which the University deals with such offenses.

[5] It was noted that a zero in the course had been agreed to by both parties and the panel imposed this sanction.

[6] It was requested by the University, and not resisted by the student, that there be publication of this matter with the name of the student to be kept anonymous. This was imposed.

[7] With respect to the issue of suspension, it was requested by the University that there be a suspension of two years. The Panel agreed with that submission. This is consistent with suspensions that have been rendered in other similar circumstances for serious offenses such as this, particularly those where there has been pre-meditation. The Panel was content that the suspension should commence at the completion of the 2002 Winter Session. It was the intent of the Panel that Mr. S. should be permitted to return to the University in the summer session 2004 should he decide to do so.

[8] The Panel did not accept the submissions that the student be permitted to finish all of his course work with the suspension to take effect only at some time subsequent. The sentence was intended to impose a true suspension that removes the student from this community for two years as part of the deterrence and punishment for this act.

[9] The University requested that there be a notation for three years from the date of suspension. The Panel agreed that there should be a notation, but did not wish to discourage the return of Mr. S. to the University to finish his degree at the earliest possible opportunity. Consequently, the Panel put in Mr. S.'s hands the ability to have the notation lifted earlier than three years if he graduates within that period of time. The Panel therefore imposed a notation on the student's record from the date of suspension for a period either of three years, or to the date of graduation, whichever comes first.

In the matter of disciplinary charges against S.S.

[10] The Panel therefore imposed the following sanctions:

1. Mr. S. shall receive a grade of zero in the course PHL 272H5F;
2. This matter shall be reported to the Provost for publication in the University newspapers with Mr. S.'s name withheld;
3. Mr. S. shall be suspended commencing May 11, 2002 for a period to end on the last day of exams for the 2004 Winter Session.
4. A notation of the suspension shall be placed on Mr. S.'s academic record commencing May 11, 2002 and ending either:
 - i. Three years thereafter; or,
 - ii. The date of Mr. S.'s graduation;

whichever comes first.

March 4, 2002

I certify that this is the decision of the Panel

Jane Pepino

N. Jane Pepino, Q.C., Co-Chair