



University of Toronto TORONTO ONTARIO M5S 1A1

University Tribunal

FILE: 1999/00-03

Personal and Confidential

Mr. Z.
C/O Ms Roslyn Tsao
OR - TSAO
390 Bay Street
Suite 1515
Toronto, ON M5H 2Y2

Dear Mr. Z.:

I am writing to confirm the decision of the University of Toronto Tribunal from a hearing held on December 16, 1999, at which the Tribunal considered the following charges against you:

1. In or about March, 1998, you knowingly forged, altered or falsified a document required by the University, or uttered, circulated or made use of such forged, altered or falsified document contrary to section B.I.1 (a) of the *Code of Behaviour on Academic Matters*, 1995; and
2. In or about March, 1998, 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, contrary to section B.I.3 (b) of the *Code*.

At the hearing on December 16, an Agreed Statement of Facts was presented by both Counsel with outlined the following

1. In the spring of 1998, you were enrolled as a student in MIE 233S – Applied Science.
2. On February 25, 1998, you wrote a mid-term exam in MIE 233S. The mid-term examination consisted of 6 questions, each worth 10 marks.

3. You received an initial score of 19.5/60 on the mid-term examination. This initial score was comprised as follows:

Question	1	10
	2	3.5
	3	2
	4	0
	5	4
	6	0
Total		<u>19.5</u>

4. You received your marked mid-term examination back in or about March 1998. Copies of the solutions to the mid term examination were distributed at that time to the class.
5. On or about April 8, 1998, after you had received your marked mid-term examination and the correct solutions to it, you made alterations and additions to your examination paper in order to make it appear that you had performed better than you had actually done. In particular, you acknowledged that you had made the following alterations:
- (a) on the cover page of the exam you changed the mark for question 4 from 0/1 to 10/10;
 - (b) also on the cover page you changed the mark given for question 6 from 0/10 to 10/10;
 - (c) on page 5 of the examination booklet you added the mark reflected for question 4 of 10/10, and added a check mark in red ink; and
 - (d) on page 8 of the examination booklet you changed the recorded mark from 0/10 to 10/10, and added three red check marks to that page.
6. You then approached the teaching assistants who were responsible for marking the mid-term examination, and indicated to them that they had made errors in marking your examination such that your total mark should have been 45/60, and not the original 19.5/60. You then requested that you be given credit for the original marks as you had altered them.
7. You acknowledged that you had made these alterations, such that you knowingly forged, altered and falsified your mid-term examination in MIE 233S, and you circulated and made use of that forged, altered and falsified mid term examination in order to improve your academic standing in the course. As such, you acknowledged that you were guilty of charge numbers 1 and 2 contained in the University's letter to you of December 22, 1998, namely that you did knowingly forge, alter or falsify a document required by the University, and uttered, circulated or made use of that forged, altered and falsified document, and that you knowingly engaged in a form of cheating, academic dishonesty or misconduct , fraud, misrepresentation, in order to obtain academic credit or other academic advantage.

The panel accepted this joint submission and found you guilty of charge numbers 1 and 2.

A Joint Submission with respect to sanction was then presented to the panel. It indicated that the parties jointly submitted that the appropriate sanctions to be imposed were as follows:

1. assignment of a grade of zero (0) in the course MIE 233S;
2. suspension from attendance at the University for one year from the date of the hearing (December 16, 1999);
3. a notation to be recorded on your academic record and transcript for a period of three years from the date of the hearing (December 16, 1999); and
4. publication of a notice of the decision of the Tribunal and the sanctions imposed in the University's newspapers, with the name of the student withheld.

The panel accepted the Joint Submission in part and provided the following reasons for its decision, pending clarification of an outstanding issue regarding the latest date that you may complete your degree (Note: This issue was later resolved and a copy of Dean Charles' letter of February 15, 2000, which was deemed to be acceptable by both parties, is attached hereto as Schedule "A" to this decision.)

The panel accepts the Joint Submission and is prepared to accede to it with one exception: paragraph 3 with respect to the notation to be recorded on your academic record and transcript for a period of three years from the date of the hearing (i.e. one year for the length of the suspension, one year for the duration to completion of your degree, and one year beyond the completion of your degree). The panel advised that it wished to alter the sanction as follows:

- a notation to be recorded on your academic record and transcript for a period of two years from the date of the hearing (December 16, 1999) or the date of your graduation, whichever is sooner.

The panel explained that, while you had committed a very serious offence, it believed that given your plea of guilty you had indeed taken the offence very seriously. From that perspective, recognizing also that a mark of zero would be recorded permanently on your transcript, the panel believed that you should not be burdened beyond the date of your efforts to graduate from this institution, assuming there was no future occasion for you to be involved in an event such as this. The panel thought that in light of the circumstances stated at the hearing, including your commitment to proceed with your education, the above penalty seemed to be appropriate. The panel had also considered the effect of the sanctions on the University and believed that the above sanctions spoke to the seriousness of the offence.

Yours sincerely,

Margaret McKone

Margaret McKone

Copies: David Cook, Vice-Provost
Michael Charles, Dean, Applied Science and Engineering
Lily Harmer, Discipline Counsel
Rosylyn Tsao, Student's Counsel

SCHEDULE "A"

(Reproduced from the Original)

February 15, 2000

By Fax (416) 862-7661

Ms. Lily I. Harmer
Gowling, Strathy & Henderson
Barristers & Solicitors
Suite 4900
Commerce Court West
Toronto, Ontario
M5L 1J3

Dear Ms. Harmer

Re: Time Limit to B.A.Sc. degree — Mr. Z.

The Calendar of the Faculty of Applied Science and Engineering for the year 1997-98, the year in which Mr. Z. offended against the Code of Behaviour on Academic Matters, states under Promotion Regulations — Part-Time Students:

"A student must graduate within nine calendar years of first registration, exclusive of mandatory or approved voluntary absences from their program"

Mr. Z. initially enrolled in the Faculty in September, 1992. My earlier letter (December 17, 1999) already confirmed that we are prepared to regard the one-year suspension as a mandatory absence. In fact, Mr. Z. has until August, 2002 to fulfill the requirements for the degree. The courses needed are MMS 270F and MIE 233S. We are prepared to accept ECE 373F as a substitute for MMS 270F. I would, however, strongly advise him to complete his program at the earliest opportunity i.e., during calendar year 2001.

Mr. Z. must understand that if he fails MMS 270F "Materials Science" a third time or if he fails the substitute course ECE 373F, then he will be required to withdraw from further studies in the Faculty.

Yours sincerely,

Michael E. Charles