



June 4, 2003

Personal and Confidential

Mr. B.

[REDACTED]
Scarborough, Ontario
[REDACTED]

Dear Mr. B.:

It has come to my attention that a confirming letter was never sent to you following a hearing of the University Tribunal held on May 30, 2000. I apologize for the oversight and have reviewed your file and the tape of the hearing

On May 30, 2000 the Trial Division of the University Tribunal considered the following charges against you:

1. On or about April 17 and 18, 1999, you did knowingly engage in a form of cheating, academic dishonesty or misconduct in order to obtain academic credit or other academic advantage of any kind contrary to section B.1.3.(b) of the *University of Toronto Code of Behaviour on Academic Matters, 1995* (the "Code").
2. In the alternative, on or about April 17 and 18, 1999 you had the intent to commit an offence under section B.1.3.(b) of the Code to knowingly engage in a form of cheating, academic dishonesty or misconduct in order to obtain academic credit or other academic advantage of any kind, and you did or omitted to do anything for the purpose of carrying out that intention, thereby engaging in an attempt to commit the offence, contrary to B.II.2 of the Code.
3. In the alternative, on or about April 17 and 18, 1999 you did knowingly do or omit to do anything for the purpose of aiding or assisting another member to commit an offence under section B.1.3.(b) of the Code and/or you did knowingly abet, counsel, procure or conspire with Mr. Z. and/or Mr. K [see 1999/00-08] to commit or be a party to an offence under section B.1.3.(b), namely you aided and assisted and/or abetted, counselled, procured or conspired with Mr. Z and/or Mr. K to engage in a form of cheating, academic dishonesty or misconduct in order to obtain academic credit or other academic advantage of any kind, contrary to section B.II.1 (a).

4. In the alternative, on or about April 17 and 18, 1999 you had the intent to commit an offence contrary to section B.II.1 .(a) of the Code in that you had the intent to knowingly do or omit to do anything for the purpose of aiding or assisting another member to commit an offence under section B. 1.3. (b) of the Code and/or you had the intent to knowingly abet, counsel, procure or conspire with another member to commit or be a party to an offence under section B. I. 3(b), namely you intended to aid and assist and/or abet, counsel, procure or conspire with Mr. Z. and/or Mr. K. to engage in a form of cheating, academic dishonesty or misconduct in order to obtain academic credit or other academic advantage of any kind, and you did or omitted to do anything for the purpose of carrying out that intention, thereby engaging in an attempt to commit the offence, contrary to B.II.2 of the Code.
5. In the alternative on or about April 17 and 18, 1999, you did knowingly use or possess an unauthorized aid or aids or obtained unauthorized assistance in an academic examination, namely, your examinations in MGTAO2Y and EESA05S, contrary to section B.I.1 .(b).
6. In the alternative, on or about April 17 and 18, 1999, you had the intent to commit an offence under section B.I.1.(b) of the Code to knowingly use or possess an unauthorized aid or aids or obtain unauthorized assistance in an academic examination, namely in MGTAO2Y and EESA05S, and you did or omitted to do anything for the purpose of carrying out that intention, thereby engaging in an attempt to commit the offence, contrary to B.II.2 of the Code.
7. In the alternative, on or about April 17 and 18, 1999, you did knowingly do or omit to do anything for the purpose of aiding or assisting another member to commit an offence contrary to section B.I.1 .(b) of the Code, and/or you did knowingly abet, counsel, procure or conspire with Mr. Z. and/or Mr. K. to commit or be a party to an offence under section B.I.1 .(b) of the Code, namely you aided and assisted and/or abetted, counselled, procured or conspired with Mr. Z. and/or Mr. K. to knowingly use or possess an unauthorized aid or aids or to obtain unauthorized assistance in an academic examination, contrary to section B.II.1(a).
8. In the alternative, on or about April 17 and 18, 1999 you had the intent to commit an offence contrary to section B.II.1 .(a) of the Code in that you had the intent to knowingly do or omit to do anything for the purpose of aiding or assisting another member to commit an offence under section B. 1.1. (b) of the Code and/or you had the intent to knowingly abet, counsel, procure or conspire with another member to commit or be a party to an offence under section B. I. 1(b), namely you had the intent to aid and assist and/or abet, counsel, procure or conspire with Mr. Z. and/or Mr. K. to knowingly use or possess an unauthorized aid or aids or to obtain unauthorized assistance in an academic examination, and you did or omitted to do anything for the purpose of carrying out that intention, thereby engaging in an attempt to commit the offence, contrary to B.II.2 of the Code.
9. Pursuant to section B of the Code, you are deemed to have acted knowingly if you ought

reasonably to have known that:

- a. you engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind; or
- b. you did use or possess an unauthorized aid or aids or obtained unauthorized assistance in an academic examination; or
- c. you did or omitted to do anything for the purpose of aiding or assisting another member to commit an offence; or
- d. you did abet, counsel, procure or conspire with another member to commit or be a party to an offence.

The particulars of the charges were as follows:

1. In the Spring of 1999, you were a student at Scarborough College.
2. In or about the week of April 19, 1999, you were scheduled to write final examinations in both MGTAO2Y and EESA05S.
3. Together with Mr. Z. and Mr. K. on or about April 17 and 18, 1999 you engaged in a break-and-enter into the locked offices of CopyKat Scarborough Printing Centre.
4. During those break-and-enters, together with Mr. Z. and Mr. K., you obtained unauthorized access to final examinations which were scheduled to be written in the following weeks.
5. During that break-and-enter, you took a copy of the final examination in MGTAO2Y and removed that copy from the premises, and you took an original final examination in EESA05S and removed it from the premises

At the hearing held on May 30, 2000, Discipline Counsel and your Counsel made a joint submission in which you pled guilty to charge 1. The Panel accepted this joint submission.

Counsel for the University and your Counsel then made a joint recommendation with respect to sanction. After deliberation, the Panel accepted the joint recommendation/submission of the parties and imposed the following sanctions:

- Suspension from attendance at the University for a period of four years effective June 8, 2000; and,
- That the above sanction be recorded on your Academic Record for a period of five years commencing June 8, 2000.

The Panel provided the following reasons for its decision:

The entire panel is unanimous in considering these offenses to be extremely serious under the Code of Behaviour on Academic Matters. We have to look at not only the consequences to the individual, but the repercussions to the University community. It is in our view extremely important that all students at the University understand that this type of behaviour is completely unacceptable and that severe sanctions are imposed when there is this type of behaviour.

With respect to Mr. B....we were impressed with... your exemplary academic record as well as your record of service to the community. You are obviously a very bright, intelligent and giving person. This error of judgment on your part will obviously have very serious long-term consequence for you and we appreciate that you have expressed remorse. We trust that the sanction that we have accepted will have a deterrent effect on you and that you have learned your lesson. You have caused, no doubt, serious distress to your family and friends. We note that you have continued your academic career, however we believe that it is appropriate that you not be able to do so at the University of Toronto for the four years we have indicated here. We have noted that there is another year in which you voluntarily withdrew so that, as far as the University is concerned, there is a total of five years from the time that you have committed the offence that you have not be an active student at this University. This is intended to be a serious sanction for your behaviour.

Sincerely,

Paul J. Holmes

Paul J. Holmes
Judicial Affairs Officer
Secretary, University Tribunal

c.c. R. David, Tribunal Co-Chair
I. Aisen, Counsel from Mr. B.
V. Goel, Deputy Provost and Vice-Provost, Faculty
I. McDonald, Associate Dean, UTSC
L. Rothstein, Senior Discipline Counsel