

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL**

IN THE MATTER OF charges of academic dishonesty made on or about November 18, 2009;

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

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

BETWEEN:

UNIVERSITY OF TORONTO

-and-

A ■ S ■ J ■

Date of Hearing: February 10, 2010

Members of the panel:

- Bernard Fishbein, Barrister and Solicitor, Chair
- Professor Dionne Aleman, Mechanical and Industrial Engineering, Faculty Panel Member
- Mr. Mir Sadek Ali, Student Panel Member

Appearances:

- Ms. Lily Harmer, Assistant Discipline Counsel for the University of Toronto, Paliare Roland Barristers
- Mr. Lee Chitiz, Legal Case Worker, Downtown Legal Services

In Attendance:

- Mr. A ■ S ■ J ■, the Student
- Ms. Lucy Gaspini, Academic Affairs Officer, University of Toronto, Mississauga
- Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances, Office of Governing Council

REASONS FOR DECISION

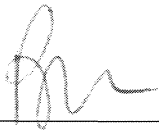
Background

1. A hearing was held with respect to this matter on February 10, 2010.
2. In view of the Agreed Statement of Facts (a copy of which is attached to this Decision), the admissions of the student and the representations of counsel, the Tribunal was unanimously of the view that the student had violated Section B.1.3 (b) of the *Code of Behaviour on Academic Matters, 1995* ("the Code") in that he knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic advantage of any kind. Essentially, the student, in order to avoid the consequences of handing in a term project in a course late (or not at all) had, after already being granted one extension, improperly gained access to a University office (by means of a security access card that was available to him because of his temporary employment by the University in an unrelated capacity) and left there a broken, unreadable computer disc and other documents attempting to suggest that the project had in fact been completed and handed in in a timely manner.
3. Further, on the basis of a further agreed upon statement of facts and a joint agreed upon submission to penalty (a copy of which is also attached to this Decision), and after hearing from the student himself as well as counsel, the Tribunal unanimously accepted the agreed upon penalty:
 - (a) the student shall receive a final grade of zero in the course HSC 302H5 Biocommunication Visualization;
 - (b) the student shall be suspended from the University from April 30, 2010 until April 30, 2013;
 - (c) the sanction shall be recorded on the student's academic record and transcript from the date the Tribunal renders its decision until April 30, 2013;

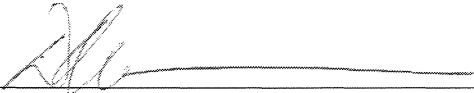
- (d) that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University newspapers, with the name of the student withheld.

4. The Tribunal then unanimously made the appropriate orders.

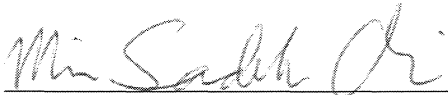
DATED at Toronto this 24 day of February, 2010.



Bernard Fishbein, Chair



Professor Dionne Aleman, Faculty
Member



Mr. Mir Sadek Ali, Student Panel
Member

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on November 18, 2009,

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

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

A ■ S ■ J ■

Agreed Statement of Facts

1. For the purposes of this hearing under the *Code of Behaviour on Academic Matters* ("Code"), the Provost of the University of Toronto (the "Provost") and A ■ S ■ J ■ ("Mr. J ■") have prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The Provost and Mr. J ■ agree that:

- (a) each document contained in the JBD may be admitted into evidence before the Tribunal for all purposes, including for the truth of the document's contents, without further need to prove the document; and
- (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

2. This hearing arises out of a charge of academic misconduct made by the Provost under the *Code*. A copy of the charge, which was filed on November 18, 2009, is included in the JBD at Tab 1 ("Charge").

3. Mr. J████ acknowledges that he received a copy of the Charge, waives the reading of the Charge, and hereby pleads guilty to charge #1.

4. The notice of hearing in this matter is included in the JBD at Tab 2. Mr. J████ acknowledges that he received the notice of hearing, and has received reasonable notice of this hearing.

5. Mr. J████ first registered as a student at the University of Toronto at Mississauga in Fall 2004. At all material times, Mr. J████ remained a student at the University. In 2009, Mr. J████ was enrolled in the course of study leading to a major in Communication, Culture & Information Technology program ("CCIT"). A copy of Mr. J████'s academic record dated February 2, 2010, is included in the JBD at Tab 3.

A. The Assignment

6. In Winter 2009, Mr. J████ enrolled in HSC 302H5 – Biocommunication Visualization, which was taught by Professor David Mazierski and Professor Shelley Wall ("Course"). A copy of the syllabus and schedule for the Course is included in the JBD at Tab 4. Mr. J████ admits that he received a copy of the syllabus for the Course.

7. Assignment #3 in the Course was a three-part assignment described as a "Didactic conceptual illustration, rationale paper, and presentation" ("Assignment"). The Assignment was worth a total of 35% of the final grade in the Course. A description of the Assignment, which Mr. J████ admits that he received, is included in the JBD at Tab 5.

8. The Assignment was to be handed in on April 6, 2009. The project had four interim deadlines: March 2, March 9, March 16, and March 23, 2009. Mr. J████ missed all four of the deadlines.

9. On April 6, 2009, Mr. J████ did not attend class and did not hand in the Assignment.

10. On April 9, 2009, Mr. J████ requested an extension of time to hand in the Assignment on the basis that he had been ill the week before. Dr. Wall provided him with an extension until April 13, 2009, but Mr. J████ did not hand in the Assignment on that date. On April 14, 2009,

Mr. J. [REDACTED] sought a further extension to hand in the Assignment on account of illness. Dr. Wall did not respond to this request. A copy of the e-mail chain containing this exchange is found in the JBD at Tab 6.

B. May 6 – the first unauthorized entry into room CC3029

11. Mr. J. [REDACTED] was a part-time employee in the Classroom Technology Department, which provided audio/visual services to classrooms at the University of Toronto Mississauga. To provide these services, the Classroom Technology Department had swipe cards that granted access to most classrooms and offices on campus. Mr. J. [REDACTED] admits that he had access to these swipe cards solely because of his part-time employment in the Classroom Technology Department.

12. On May 6, 2009, Mr. J. [REDACTED] surreptitiously obtained a room key to room SE2005 from the desk of one of his co-workers. He used that key to gain access to SE2005 and to remove swipe cards, which he believed would give him access to CC3029, which housed the mailroom for the CCIT program.

13. On May 6, 2009, at 2:30 a.m., Mr. J. [REDACTED] used the swipe cards he had obtained to try and open the door to CC3029. The first two attempts to open the door using one swipe card were unsuccessful. Mr. J. [REDACTED]'s third try, using a different card, was successful, and he obtained unauthorized access to CC3029 at 2:35 a.m.

C. The package

14. On May 7, 2009, Mr. J. [REDACTED] created and assembled several items that purportedly related to the Assignment (the "Package"). The Package consisted of:

- (a) a letter from Mr. J. [REDACTED] to Ms Rose Antonio, which was dated April 15, 2009, and which read, in part, "I have been asked by Professor Shelley Wall to submit my assignment for HSC302 to you for collection. Kindly find the attached envelope and let her know you have received it" ("Cover Letter");

- (b) a blue Post-It note that was stuck to the cover letter, on which was written "For Rose, Not one of mine" and on which appears an illegible signature ("Post-It");
 - (c) a padded envelope, on which was written: "To Prof. Shelley Wall, HSC302" ("Padded Envelope"); and
 - (d) a broken CD, which was placed within the padded envelope ("Broken CD").
15. Photocopies of the Package are included in the JBD at Tab 7.

D. May 7 – the second unauthorized entry into room CC3029

16. On May 7, 2009, at 3:45 a.m., Mr. J [REDACTED] used the swipe card to gain access to CC3029.
17. He entered the room, without authorization, and placed the Package in the mailbox of Rose Antonio, Undergraduate Counsellor for the CCIT program.
18. Ms. Antonio discovered the Package when she arrived for work on May 7.

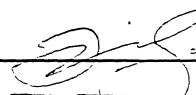
E. Admissions

19. In addition to the admissions set out above, Mr. J [REDACTED] admits that to mislead the University in order to obtain, or attempt to obtain an academic advantage, he knowingly:
- (a) dated the Cover Letter April 15 to make it look like he had submitted the Package and the Assignment more or less on time;
 - (b) added the Post-It to make it look as if he had submitted the Assignment more or less on time, but it had then become lost somewhere in the CCIT office.
 - (c) included the Broken CD to make it appear as if he had completed the Assignment, but on media that would not be machine readable.
20. Mr. J [REDACTED] admits that he never completed the Assignment and he engaged in the conduct described above in an attempt to obtain more time to complete the Assignment and to reduce or avoid a penalty for submitting the Assignment after its due date.

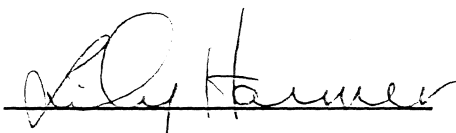
21. Mr. J [REDACTED] admits that he knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code* in order to obtain academic credit or other academic advantage of any kind in connection with the Assignment, contrary to section B.I.3(b) of the *Code*.

22. Mr. J [REDACTED] acknowledges that the Provost has advised him to obtain independent legal advice before signing this ASF. He acknowledges that he is signing this ASF freely and voluntarily, knowing of the potential consequences he faces, and with the benefit of the advice of counsel.

Signed on February 9, 2010.


A [REDACTED] S [REDACTED] J [REDACTED]

Signed on February 10, 2010.


Robert A. Centa
Assistant Discipline Counsel
University of Toronto

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THE UNIVERSITY OF TORONTO

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BETWEEN:

THE UNIVERSITY OF TORONTO

- and -

A ■ S ■ J ■

Joint Submission on Penalty

1. For the purposes of this hearing under the *Code of Behaviour on Academic Matters* ("Code"), the Provost of the University of Toronto (the "Provost") and A ■ S ■ J ■ ("Mr. J ■") have prepared this Joint Submission on Penalty ("JSP"). The Provost and Mr. J ■ agree that:

- (a) each document appended to the JSP may be admitted into evidence before the Tribunal for all purposes, including for the truth of the document's contents, without further need to prove the document; and
- (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

2. All capitalized terms have the same defined meaning as the Agreed Statement of Facts.

A. Joint Submission

3. Mr. J[REDACTED] and the Provost submit that, in all the circumstances of this case, the appropriate penalty is that the Tribunal order that the following sanctions be imposed on Mr. J[REDACTED]:

- (a) he receive a final grade of zero in the course HSC 302H5 – Biocommunication Visualization
- (b) he be suspended from the University from April 30, 2010, until April 30, 2013;
- (c) the sanction be recorded on his academic record and transcript from the date the Tribunal renders its decision until April 30, 2013; and
- (d) that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University newspapers, with the name of the student withheld.

B. Additional facts in support of the Joint Submission

4. After Ms. Antonio received the Package, she attempted to locate who in the CCIT program had put the Package in her mailbox. No one in the department said that they had placed the Package in her mailbox.

5. Ms. Antonio then obtained a computer printout as to who had accessed room CC3129 between May 6 and May 7, 2009. She learned that there had been three attempts (one successful) to access the room between 2:30 a.m. and 2:35 a.m. on May 6, and one successful access to the room on May 7, 2009, at 3:45 a.m. The report indicated that the key used to access room CC3129 belonged to the Classroom Technology Department. Ms. Antonio then contacted the Classroom Technology Department and learned that Mr. J[REDACTED] was a casual employee with the Classroom Technology Department and would have access to the access cards.

6. On May 9, 2009, Campus Police interviewed Mr. J[REDACTED] and asked him where he was in the late evening and early morning of May 6 and 7, 2009. Mr. J[REDACTED] stated that he was on

campus studying. Campus Police asked Mr. J[REDACTED] if he had accessed any rooms while walking around the building and he replied no.

7. Campus Police then confronted Mr. J[REDACTED] with the information they had gathered regarding the access report for room CC3129. Mr. J[REDACTED] then admitted that he had accessed the mail room to drop off his assignment. Mr. J[REDACTED] then turned over the key to Campus Police.

8. On May 15, 2009, Mr. J[REDACTED] sent an email to Anil Vias (Director of Technology Resource Centre) and Mr. J[REDACTED]'s supervisor. A copy of this email is attached to the JSP at Tab 1.

9. Mr. J[REDACTED]'s employment with the Classroom Technology Department was terminated.


10. On August 24, 2009, Mr. J[REDACTED] met with Professor Scott Graham. Professor Graham is the Dean's Designate for Academic Discipline at the University of Toronto Mississauga. During this meeting, Mr. J[REDACTED] described how he committed the offence and admitted that he had violated the *Code of Behaviour on Academic Matters*.

11. Mr. J[REDACTED] acknowledges that the Provost has advised him to obtain independent legal advice before signing this ASF on Penalty. He acknowledges that he is signing this ASF on Penalty freely and voluntarily, knowing of the potential consequences he faces, and with the benefit of the advice of counsel.

Signed on February 9, 2010.


A. S. J.

Signed on February 10, 2010.


for Robert A. Centa
Assistant Discipline Counsel
University of Toronto