

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on June 3, 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

BETWEEN:

THE UNIVERSITY OF TORONTO

- and -

S■■■■ J■■■■

Hearing Date: June 9, 2009

Members of the Panel:

- Ms. Jane Pepino, Chair
- Professor Kathi Wilson, Faculty Panel Member
- Mr. Liang Yuan, Student Panel Member

Appearances:

- Mr. Robert A. Centa, Assistant Discipline Counsel for the University of Toronto
- Ms. Elesha Shore, assisting Mr. Robert A. Centa

- Mr. S■■■■ J■■■■, the Student
- Dr. Helen Slade, Office of Student Life at the University of Toronto

Preliminary

- [1] The Trial Division of the University Tribunal was convened on June 9, 2009 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the “Code”), set out in a Notice of Hearing dated June 3, 2009.

Hearing on the Facts

- [2] The charges are as follows:

- i. On or about May 5, 2009, you knowingly used or possessed an unauthorized aid or aids, or obtained unauthorized assistance in an academic examination, namely the final examination in ECO333Y (the “Course”), contrary to section B.I.1.(b) of the *Code*.
- ii. In the alternative, on or about May 5, 2009, you 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 the final examination in the Course, contrary to section B.I.3.(b) of the *Code*.
- iii. On or about May 5, 2009, you knowingly provided unauthorized assistance to another student in an academic examination, namely the final examination in the Course, contrary to section B.I.1.(b) of the *Code*.
- iv. In the alternative, on or about May 5, 2009, you 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 the final examination in the Course contrary to section B.I.3.(b) of the *Code*.

- [3] The particulars of the charges are as follows:

- i. At all material times you were a student at the University of Toronto. In 2008-2009, you enrolled in the Course.
- ii. On or about May 5, 2009, you wrote the final examination in the Course. You wrote the examination in a private study carrel in the Accessibility Services. You wrote the examination several hours before the other students in the Course wrote the examination.
- iii. You brought a cellular telephone into the private study carrel with you knowing that a cellular telephone was an unauthorized aid during the examination.
- iv. During the examination, you telephoned another student in the Course and told him

the questions on the examination. The other student provided you with answers to the questions. You made and received several telephone calls during the examination for this purpose.

v. You knew that:

- (a) You were not permitted to make telephone calls to other students during the examination;
- (b) You were providing the other student with the examination questions before that student wrote the examination, which amounted to providing that student with unauthorized assistance;
- (c) You were receiving answers from the other student which constituted receiving unauthorized assistance; and

vi. You did so for the purpose of obtaining an academic advantage.

[4] The University of Toronto and the Student filed an Agreed Statement of Facts, the details of which are summarized here:

- In Fall 2008, the Student enrolled in ECO333Y1 - Urban Economics, which was taught by Professor Peter Tomlinson.
- The mid-term examination in the Course was worth 50% of the final grade. The Student wrote neither the mid-term examination, nor the make-up mid-term examination.
- The final examination in the Course was worth 50% of the final grade. Because the Student missed the mid-term examination, his final examination was to be worth 100% of his final grade. The final examination in the Course was scheduled to commence at 7:00 p.m. on May 5, 2009.
- The Student is registered with Accessibility Services at the University. He requested and received accommodation for the examination. Specifically, Accessibility Services permitted him additional time to complete the examination, and stopped-clock breaks during the examination time.
- Because of the accommodations he received, he was scheduled to write the examination at 3:00 p.m. on May 5, which was 4 hours before the rest of the class. He was permitted to write the examination in Room EX340 at the Examination Centre.
- Before the examination started, the Student signed a declaration acknowledging that:
 - (a) The exam invigilator instructed him to secure all his belongings in a locker and that he had done so; and

(b) That he was not in possession of any unauthorized exam materials or electronic devices (including cellular telephones).

- During the examination, invigilators observed the Student behaving in a suspicious manner. One of the invigilators entered the private room and asked the Student to roll up his sleeve. The Student admits that he had an earpiece for a cellular telephone taped to his arm and body underneath his shirt. He also admits that he had a Nokia cellular telephone in the left pocket of his pants and that the earpiece was plugged into the telephone.
- The Student admits that he hid the telephone in his shoe in order to sneak it into the private room where he would write the examination.
- The Student admits that during the examination, he placed and received several calls to and from Mr. F. B., who was also enrolled in the Course. The Student admits that he read all of the questions on the examination to Mr. B. and that Mr. B. provided him with answers to those questions.
- The Student admits that he and Mr. B. agreed on this plan before the examination began. The Student admits that he had previously written examinations in the Examinations Centre and that the private room where he would be writing the examination would permit him to make and receive telephone calls with a minimal chance of being caught.

[5] The Student pleaded guilty to charges #1 and #3.

Decision of the Tribunal

[6] The panel accepted the Student's plea and entered a verdict of guilty on charges #1 and #3. The University withdrew the alternative charges.

Penalty

[7] The University and the Student submitted an Agreed Statement of Facts on Sanction and a Joint Submission on Penalty. In the Agreed Statement of Facts on Sanction, the Student admitted that he had been sanctioned on two prior occasions for unauthorized aid. The first incident occurred in April 2006, at which time the Student received a written caution; the second incident occurred in February 2008, at which time the Student received a 0 on a term test, a further 25 mark reduction in the course and an annotation on his transcript until he graduates from the University.

[8] In the Joint Submission on Penalty, both the University and the Student recommended to the panel that the following sanction is appropriate in all the circumstances:

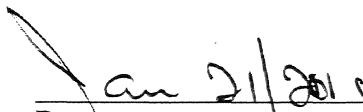
- i. A final grade of zero in the course ECO333Y1;
- ii. Four-year suspension from the University of Toronto from June 9, 2009 to January 1, 2013;
- iii. Notation on the Student's academic record and transcript stating that he has been found to have committed academic offences, and such notation to remain until the Student graduates from the University; and
- iv. A report of the case to the Provost who may publish a notice of the decision and the sanction imposed with the name of the Student withheld.

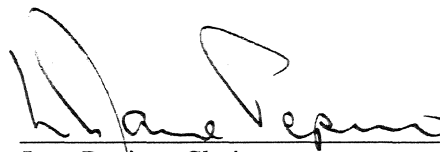
Sanction and Reasons

[9] The Chair, on behalf of the panel, delivered the following reasons orally at the conclusion of the hearing.

[10] Thank you, Mr. Centa, and the Student. The panel has considered the Agreed Statement of Facts, the plea, the outline of the balancing that has gone on between the University and the Student with respect to the seriousness of the offence and the mitigating circumstances accepted by the University and for all of those reasons is prepared to accept the Joint Submission on Penalty. As a result, we will impose the following:

- i. A final grade of zero in the course ECO333Y1;
- ii. Suspension from the University of Toronto from June 9, 2009 to January 1, 2013;
- iii. Notation on the Student's academic record and transcript stating that he has been found to have committed academic offences, and such notation to remain until the Student graduates from the University; and
- iv. A report of the case to the Provost who may publish a notice of the decision and the sanction imposed with the name of the Student withheld.


Date


Jane Pepino, Chair