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PERSONAL & CONFIDENTIAL

Via E-mail and Canada Post

June 29, 2005

Mr. Chris Burr
Law Student, Downtown Legal Services
655 Spadina Avenue
TORONTO, ON
M5S 2H9

Dear Mr. Burr:

Re: University Tribunal – Hearing in the Matter of Mr. M. G. (The Student)

A hearing was held on June 14, 2004 by the Trial Division of the University Tribunal to consider six charges under the *Code of Behaviour on Academic Matters, 1995* laid against Mr. G. by letter dated July 16, 2004 from Professor Vivek Goel, Vice-President and Provost.

Background

At the commencement of the hearing, counsel for the University, Ms. Harmer, advised that the University was not proceeding on charges 2, 3, 5, and 6 leaving the following charges to be heard by the Tribunal:

1. On or about February 24, 2004 you did knowingly use or possess an unauthorized aid or aids or obtained unauthorized assistance in an academic examination or term test, namely your term test in GLG207H1S, contrary to Section B.I.1.(b) of the Code of Behaviour on Academic Matters (“the Code”). Pursuant to section B of the 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 in your term test in GLG207H1S.
4. On or about April 30, 2004 you did knowingly use or possess an unauthorized aid or aids or obtained unauthorized assistance in an academic examination or term test, namely your final examination in GLG207H1S, contrary to Section B.I.1.(b) of the Code. Pursuant to section B of the 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 in your final examination in GLG207H1S.

The particulars pertaining to the charges #1 and #4 were as follows:

1. In the winter of 2004 you were a student in GLG207H1S. The term test for that course was held on February 24, 2004, and the final exam on April 30, 2004.
2. During the writing of the term test on February 24, 2004, you made verbal requests of one or more students, and looked at one or more students' papers, to obtain or attempt to obtain assistance in completing the term test.
3. On April 30, 2004 while attending the final examination in the course, you had in your possession and on your desk an active cell phone.
4. During that same final exam you made efforts to speak with a fellow student to obtain or attempt to obtain his assistance in writing the examination.

I am writing to confirm the outcome of the hearing.

The panel was advised of an Agreed Statement of Facts with respect to Charge #1 and Charge #2. The Student pled guilty to Charges #1 and #2 and, following questions and subsequent deliberations, the panel accepted his guilty plea.

A joint submission with respect to sanction was presented to the panel for consideration. The joint submission recorded the following:

1. that M. G. receive a grade of zero in GLG207S;
2. that Mr. G. be suspended from attendance at the University for a period of one year effective June 15, 2005;
3. that the above sanction be recorded on his academic record for a period of two years commencing June 15, 2005; and
4. the facts and sanction associated with the penalty be published by the University with Mr. G.'s name withheld.

The panel heard submissions from Counsel for the University and from Counsel for the student and after deliberation, agreed to impose the sanctions proposed in the joint submission with respect to sanction.

Reasons for Decision

The Panel expressed their appreciation to Counsel for the University and Counsel for the student for the detailed Agreed Statement of Facts and the comprehensive collection of

reference cases presented before them. The Panel noted that they imposed their sanction only after an extensive review of the facts and of similar cases and decisions.

The panel addressed a number of factors when considering the sanction; in particular, they noted those first set out by the late Honourable Mr. Justice John Sopinka, then Mr. John Sopinka Q.C., a Tribunal member in the Case against Mr. C. (#1976/77-3). The panel noted that, in their view, the joint submission with respect to sanction fulfilled the goals set out by Mr. Sopinka. Moreover, they emphasized the importance in the present matter of reformation, deterrence, and the protection of the University and its educational mission and indicated that the high degree to which the joint submission with respect to sanction addressed these factors was a large part of the basis upon which the panel reached their decision.

Information concerning rights of appeal may be found in Section E of the *Code of Behaviour on Academic Matters*, which can be viewed on-line at: <http://www.utoronto.ca/govcncl/pap/policies/behaveac.html>. The deadline for filing an appeal in this matter is 5:00 p.m., June 10 2005.

Yours sincerely,

Anthony Gray, Ph.D.
Secretary, University Tribunal

cc: Julie Hannaford, Chair, Tribunal Panel
Edith Hillan
Nora Gillespie
Lily Harmer