

UNIVERSITY OF TORONTO  
UNIVERSITY TRIBUNAL  
TRIAL DIVISION

**Members of the Panel:**

**Julie K. Hannaford**, Co-Chair

**Justin Simonelis**, Student, Faculty of Arts and Science, St. Michael's College

**Donna E. Stewart**, Faculty member, Faculty of Medicine, Department of Psychiatry

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

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

**AND IN THE MATTER** of disciplinary charges against V.A.;

**AND IN THE MATTER** of disciplinary charges against A.H.

*V. A.*, in person

*Julie Ralhan*, for A.H.

*Linda R. Rothstein*, for the University of Toronto

**BACKGROUND**

[1] A hearing of the Trial Division of the University Tribunal was convened at 4:30 p.m. on Tuesday, March 19, 2002, in the Falconer Room, Simcoe Hall, to consider charges laid against V.A. and A.H. under the *Code of Behaviour on Academic Matters, 1995* [the "Code"].

[2] The University advised the Panel that the two students consented to a combined hearing in this matter. The Panel satisfied itself that both Mr. V.A. and Mr. A.H. were in agreement and proceeded to hear the matter as a combined proceeding.

**Charges – V.A.**

[3] Mr. V.A. was charged with three counts contrary to the *Code* by letter dated October 16, 2001 from the Vice-President and Provost, Professor Adel Sedra. At the commencement of the proceeding, the University advised the panel that charge three was withdrawn, such that the following charges remained before the Panel:

1. On or about August 13, 2001 you knowingly had A.H. impersonate you on an academic exam, namely, the final examination in ECMB12H3, contrary to Section

In the Matter of Disciplinary Charges Against V.A.  
And in the Matter of Disciplinary Charges Against A.H.

- B.I.1. (c) 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 a person impersonated you in that examination.
2. In or about July 2001, you knowingly obtained unauthorized assistance in connection with a term test or any other form of academic work, namely, Assignment 1 in ECMB12H3, contrary to Sections 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 obtaining assistance from another student in connection with Assignment 1 was unauthorized.

**Charges – A.H.**

[4] Mr. A.H. was charged with three counts contrary to the *Code* by letter dated October 16, 2001 from the Vice-President and Provost, Professor Adel Sedra. At the beginning of the proceeding, the University advised the Panel that charge three was withdrawn, such that the following charges remained before the Panel:

1. On or about August 31, 2001 you knowingly impersonated V.A. at an academic examination, namely, the final examination in ECMB12H3, contrary to Section B.I.1. (c) 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 impersonated another on that examination.
2. In or about July 2001, you knowingly aided or assisted another student to obtain unauthorized assistance in a term test, namely, Assignment 1 in ECMB12H3, contrary to Sections 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 were aiding or assisting another student to commit the offense.

**Facts – V.A.**

[5] An Agreed Summary of Facts dated March 19, 2002 and signed by Mr. V.A. and Ms. Rothstein was admitted into evidence. This Agreed Summary of Facts revealed the following facts with respect to the charges against Mr. V.A.:

1. V.A. (“A.”) has been a student of the University of Toronto at Scarborough since the fall of 1995. [A copy of Mr. V.A.’s academic record was attached as an appendix to the Agreed Summary of Facts].
2. In the summer of 2001 A. was a student in ECMB12H3S (Quantitative Methods and Economics). The course was taught by Professor Admed. The evaluation scheme

In the Matter of Disciplinary Charges Against V.A.  
And in the Matter of Disciplinary Charges Against A.H.

- was on the basis of three assignments [the first two were worth four percent (4%) and the third seven percent (7%)], a mid-term examination written on July 23, 2001 for thirty-five percent (35%) and a final examination, on August 13, 2001, for fifty percent (50%) of the final mark.
3. A. did not write the final examination. Instead, with A.'s knowledge and consent, A.H. ("H.") impersonated A. at the final examination in ECMB12H3S.
  4. A. and H. were not close friends but had known each other for a number of years. A. contacted H. in late June to obtain help in the course. He told H. that he had been under a lot of stress and was having difficulty completing the course requirements. He also told H. that he only needed a couple of credits in order to complete his degree requirements. A. offered to compensate H. for his efforts.
  5. A. spoke to H. about getting his assistance with the course requirements on a number of occasions.
  6. In July 2001, at A.'s request, H. provided A. with some suggested answers to one of the course assignments worth 4% of the final mark. A. submitted the assignment based on the assistance provided by H..
  7. Sometime during the course of A.'s and H.'s conversations, A. proposed the idea that H. write the examination for him. Although he was not entirely serious at that [*sic*] time he first made the suggestion, the conversation evolved to the point where A. entered into a pre-meditated scheme to pay H. four hundred dollars (\$400.00) to write the examination in his place.
  8. A. acknowledges that he is guilty of (1) knowingly having H. impersonate him on an academic exam and (2) knowingly obtaining unauthorized assistance in connection with a term test or other form of academic work as set out in Charges 1 and 2 [attached as Appendix 2 to the Agreed Summary of Facts]

[6] Mr. A. pled guilty to the two charges before the panel. After considering the facts contained in the Agreed Summary of Facts, the Panel accepted Mr. A.'s guilty plea and found him guilty on counts one and two.

**Facts – A.H.**

[7] An Agreed Summary of Facts dated March 19, 2002 and signed by Mr. H. and Ms. Rothstein was admitted into evidence. This Agreed Summary of Facts revealed the following facts with respect to the charges against Mr. H.:

In the Matter of Disciplinary Charges Against V.A.  
And in the Matter of Disciplinary Charges Against A.H.

1. A.H. (“H.”) has been a student of the University of Toronto since the fall of 1997. [A copy of Mr. H.’s academic record was attached as appendix 1]
2. H. and V.A. (“A.”) have known each other for a number of years although they are not close friends. In late June 2001, A. contacted H. to obtain help in a course he was taking, ECMB12H3S (Quantitative Methods and Economics). He told H. that he was having difficulty completing the course requirements. He also told H. that he only needed a couple of credits in order to complete his degree of [*sic*] requirements. He also asked H. to provide him with tutoring. H. declined.
3. In July 2001, at A.’s request, H. provided A. with some suggested answers to a course assignment worth 4% of the final mark.
4. Sometime during the course of A.’s and H.’s conversations, A. proposed the idea that H. write the final examination for him. Although he was not entirely serious at that time he first made the suggestion, the conversation evolved to the point where H. agreed to write the final examination in ECMB12H3S for A. in return for the sum of four hundred dollars (\$400.00).
5. The final examination on ECMB12H3S took place on August 13, 2001. It was worth fifty percent (50%) of the final mark. A. did not write the final examination. Instead, H. impersonated A. at the final examination.
6. H. acknowledged that he is guilty of (1) knowingly impersonating A. at an examination and (2) knowingly assisting A. to obtain unauthorized assistance as set out in Charges 1 and 2 [attached as Appendix 2 to the Agreed Summary of Facts].

[8] Mr. H. pled guilty to the two charges before the panel. After considering the facts contained in the Agreed Summary of Facts, the Panel accepted Mr. H.’s guilty plea and found him guilty on counts one and two.

**Submissions on Penalty – V.A.**

[9] Mr. A. made an oral statement to the panel detailing his medical difficulties and expressing remorse for his actions. Following Mr. A.’s statement, a Joint Submission with Respect to Sanction was presented to the Panel. This Joint Submission recommended the following sanctions with respect to Mr. A.:

1. Suspension from the University for a period of five (5) years from the date of decision;
2. This sanction shall be recorded on the student’s academic record and transcript for five (5) years from the date of this decision;

In the Matter of Disciplinary Charges Against V.A.  
And in the Matter of Disciplinary Charges Against A.H.

3. The case should be reported to the Provost to publish a notice of the decision of the Tribunal and the sanction or sanctions imposed in the University newspapers, with the name of the student withheld.

[10] In support of this Joint Submission, the University and Mr. A. agreed on the following mitigating factors:

1. The student acknowledged his guilty when first confronted with the allegations;
2. The student expressed remorse to the Dean when first confronted with the allegations;
3. The student has co-operated with the prosecution before the Tribunal and has formally acknowledged his guilt;
4. The student's academic career has suffered as a result of a variety of chronic medical problems that have interfered with this [*sic*] ability to devote his full attention to his studies. He has been diagnosed with at chronic lumbosacral instability which restricted his mobility, caused chronic severe lower back pain and a variety of other sequelae. Medication prescribed has diminished his concentration and have from time to time, made fulfillment of course requirements extremely difficult.

**Submissions on Penalty – A.H.**

[11] Mr. H. made an oral statement to the panel detailing the severe financial difficulties suffered by his family and expressing remorse for his actions. Following Mr. H.'s statement, a Joint Submission with Respect to Sanction was presented to the Panel. This Joint Submission recommended the following sanctions with respect to Mr. H.:

1. Suspension from the University for a period of five (5) years from the date of decision;
2. This sanction shall be recorded on the student's academic record and transcript for five (5) years from the date of this decision;
3. The case should be reported to the Provost to publish a notice of the decision of the Tribunal and the sanction or sanctions imposed in the University newspapers, with the name of the student withheld.

[12] In support of this Joint Submission, the University and Mr. H. agreed on the following mitigating factors:

1. The student acknowledged his guilty when first confronted with the allegations;

In the Matter of Disciplinary Charges Against V.A.  
And in the Matter of Disciplinary Charges Against A.H.

2. The student expressed remorse to the Dean when first confronted with the allegations;
3. The student has co-operated with the prosecution before the Tribunal and has formally acknowledged his guilt;
4. At the time that A.H. accepted V.A.'s offer to write the examination for the sum of four hundred dollars (\$400), A.H. was extremely concerned about his family's financial situation. A.H. lives with his mother and sister. His mother is the sole source of financial support for him and his sister. His family receives no financial support from A.H.'s father. Due to medical problems, A.H.'s mother has been on social assistance for a number of years. A.H. had been forced to complete his studies on a part-time basis in order to work full-time to support the family.

**REASONS FOR SANCTION (Delivered Orally)**

[13] The Panel accepted the Joint Submission with respect to Mr. A.. The Panel did not accept the Joint Submission with respect to Mr. H. and elected to substitute a sentence that provides for a four-year suspension rather than a five-year suspension.

[14] The Panel expressed a desire to differentiate between the penalty imposed upon Mr. H. from that imposed upon Mr. A. The panel felt that some consideration had to be given to the fact that Mr. A. was the initiator. The panel also felt that Mr. A.'s greater experience and maturity might have been brought to bear to prevent the incidents from occurring.

[15] The panel was concerned with the candor of certain submissions made by Mr. A. In particular, the panel had some difficulty with the mitigating medical circumstances. The Panel was grateful to have those issues clarified in subsequent questions asked by the Panel. The answers received were very helpful in clarifying why certain questions arose from materials submitted to the Panel. Many of the Panel's concerns were allayed by the answers to the questions posed to Mr. A..

[16] Finally the Panel wished to differentiate the penalties simply in the hope that it would promote a sense of rehabilitation and understanding of the seriousness of the offense. The Panel did not want to express its desire to differentiate by imposing a more serious sentence than that which was recommended jointly. The Panel indicated that it had immense difficulty with the joint submissions in regard to the assurances that there would be sufficient deterrence by the significant reduction in the expected sentences.

In the Matter of Disciplinary Charges Against V.A.  
And in the Matter of Disciplinary Charges Against A.H.

**Penalty – V.A.**

[17] The Panel therefore imposed the following sanctions upon Mr. A.:

1. Mr. A. shall be suspended from the University of Toronto for a period of five years, effective from the date of this decision;
2. A notation of the suspension shall be placed on Mr. A.'s academic transcript for a period of five years, effective from the date of this decision;
3. This matter shall be reported to the Provost for publication in the University newspapers with Mr. A.'s name withheld;

**Penalty – A.H.**

[18] The Panel therefore imposed the following sanctions upon Mr. H.:

1. Mr. H. shall be suspended from the University of Toronto for a period of four years, effective from the date of this decision;
2. A notation of the suspension shall be placed on Mr. H.'s academic transcript for a period of four years, effective from the date of this decision;
4. This matter shall be reported to the Provost for publication in the University newspapers with Mr. H.'s name withheld.

May 17, 2002

I certify that this is the decision of the Panel

**Julie K. Hannaford**

---

Julie K. Hannaford, Co-Chair