

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION**

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

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

AND IN THE MATTER of disciplinary charges against Y. L.

Members of the Panel:

Ronald G. Slaght, Q.C., Chair
Candace Ikeda-Douglas, Student Panel Member
Ikuko Komuro-Lee, Faculty Panel Member

Appearances:

Lily Harmer, for the University of Toronto
L., appearing on her own behalf

BACKGROUND

[1] The Trial Division of the University Tribunal was convened on March 30, 2005 to consider charges brought under the *Code of Behaviour on Academic Matters*, 1995 against Ms. L. by letter dated July 16, 2004 from the Vice-President and Provost, Professor Vivek Goel.

[2] The letter of July 16, 2004 contained the following charges:

1. On or about December 17, 2003, you did knowingly use or possess an unauthorized aid or aids or obtained unauthorized assistance in any academic examination or term test, namely the final examination in MAT188H1 Linear Algebra, 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 committed the offence knowingly if you ought reasonably to have known that you used or possessed an unauthorized aid or aids or obtained unauthorized assistance in any academic examination or term test contrary to Section B.I.1.(b).
2. In the alternative, on or about December 17, 2003, you did knowingly engage in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind in the final examination in MAT188, contrary to Section B.I.3(b) of the Code. Pursuant to Section B of the Code, you are deemed to have committed the offence knowingly if you ought reasonably to have known that you used or possessed an unauthorized aid or aids or obtained unauthorized assistance in any academic examination.

[3] The University and Ms. L. submitted an Agreed Statement of Facts in which Ms. L. acknowledged that she was guilty of knowingly possessing an unauthorized aid during the writing of the final examination in the course MAT188 in the form of notes of formulae relevant to the subject matter of the exam. This was contrary to Section B.I.1(b) of the *Code of Behaviour on Academic Matters* as set out in Charge 1. Ms. L. confirmed orally that she understood the charge, that it was her signature on the Agreed Statement of Facts and that she pleaded guilty to Charge 1.

[4] The University indicated that it would not be proceeding with Charge 2.

[5] The panel considered the physical and written evidence, the Agreed Statement of Facts, Ms. L.'s acknowledgement that the Statement of Facts was true, and the relevant sections of the *Code*.

[6] Following deliberations, the panel accepted Ms. L.'s plea and found her guilty of Charge 1.

SANCTION

[7] The panel heard a Joint Submission With Respect to Sanction. The Chair determined to his satisfaction that Ms. L. had knowingly agreed to the sanctions and was aware of the consequences of her agreement. Following deliberation, the panel accepted the following Joint Submission With Respect to Sanction:

1. A grade of zero in the course of MAT188 (Linear Algebra) for the 2003 Fall academic session;
2. Suspension from the University for a period of two (2) years from April 1, 2005 to March 31, 2007;
3. This sanction shall be recorded on the student's academic record and transcript for two (2) years from April 1, 2005 to March 31, 2007; and
4. 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.

REASONS FOR SANCTION (delivered orally)

[8] The panel considered the Joint Submission With Respect to Sanction and reviewed the book of tribunal decisions submitted by the University. Certainly the grade of zero in the course was appropriate, particularly in light of the earlier incident. The panel was prepared to accept the Joint Submission With Respect to Sanctions on the following basis. The most important feature was that this was a second offence of a similar if not exact nature to one in the first term and that it had occurred in the student's second academic term. Thus, the behaviour was repeated immediately in the next academic term, notwithstanding the strong warning from the Dean of Applied Science and Engineering in a letter of January 2003. The panel further considered that

the student had agreed to the sanctions. Finally, the panel noted that this was a serious offence committed in essentially a system which is an honour system. Whether the offence had been discovered or not was a matter of chance so there must be seen to be a deterrent to others who may engage in similar conduct.

“April 11, 2005”

“Ron Slaght, Q.C.”
