



THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO
TORONTO, CANADA
M5S 1A4

March 1, 1976

Mr. M.

Toronto, Ontario

Dear Mr. M.

At its hearing on Thursday, February 26, 1976 the University Tribunal considered the following two charges against you:

- 1) That at a formal examination in CHE 205F held on December 10, 1975, you used an unauthorized aid with intent to deceive and thereby committed an offence within the meaning of Section E.1(a)(i) of the Code of Behaviour. You are reported to have used in this examination a paper brought by you into the examination, on which several formulae and equations had been written.; and
- 2) That in a term test in CHE 201F held on December 3, 1975, you obtained unauthorized assistance in the writing of the test and thereby committed an offence within the meaning of Section E.1(a)(i) of the Code of Behaviour. In this case it is alleged that you obtained copies of the test paper, examination book and graph paper required for this test, and completed the writing of the test between Wednesday, December 3, 1975 (the date of the test), and Friday, December 5, 1975. You are alleged then to have gained access to the room of Mr. R.J.E. Philp (the marker of the test) and to have placed the paper which you had written in that room.

In accordance with Section 65 of the Rules of Procedure of the University of Toronto disciplinary structure I am writing to formally advise you of the decision of the University Tribunal with respect to these two charges together with the reasons therefor.

On the question of the decision on the second charge the jury found you to be not guilty. Its reasons for this decision were expressed by the jury foreman in the following manner:

"I think that there were two things that weighed most heavily with us. Firstly, the total absence of direct evidence to establish the guilt of the accused. The

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evidence was entirely circumstantial. Secondly, we were not satisfied that the prosecution had established that any hypothesis contrary to its own was unreasonable and did not fit the facts. Therefore, we weren't satisfied that it had shown that no reasonable person could disagree with the construction that it put upon the rather conflicting and disorderly pile of evidence that we had."

The decision of the jury on the question of sanctioning on the first charge to which you pleaded guilty was that:

"the sanction be cancellation of credit for the course on the understanding that, since that places Mr. di Martella on probation, he would therefore have to maintain or achieve a 60 per cent average in his courses for the current term and, furthermore, replace the course at the earliest opportunity."

The reasons for the sanction, again expressed by the jury foreman, were as follows:

"Our reasons, just generally, were that we felt collectively that this was a serious offence, too serious to warrant merely a caution or a censure or reprimand but not sufficiently serious that it warranted failure in the course since that entailed failure in the year and that would severely jeopardize his university career."

Also in accordance with Section 65 of the Rules of Procedure I am enclosing pertinent information regarding the rights of appeal and the time limit within which appeals must be made.

Yours sincerely,

PATRICK S. PHILLIPS
Secretary, Academic Tribunal

PSP/ch
Encl.