



June 4, 2003

Personal and Confidential

Mr. K.

[REDACTED]
Scarborough, Ontario
[REDACTED]

Dear Mr. K.:

It has come to my attention that a confirming letter was never sent to you following a hearing of the University Tribunal held on May 30, 2000. I apologize for the oversight and have reviewed your file and the tape of the hearing

On May 30, 2000 the Trial Division of the University Tribunal considered the following charges against you:

1. On or about April 18, 1999, you did knowingly engage in a form of cheating, academic dishonesty or misconduct in order to obtain academic credit or other academic advantage of any kind contrary to section B.1.3.(b) of the *University of Toronto Code of Behaviour on Academic Matters, 1995* (the "Code").
2. In the alternative, on or about April 18, 1999 you had the intent to commit an offence under section B.1.3.(b) of the Code to knowingly engage in a form of cheating, academic dishonesty or misconduct in order to obtain academic credit or other academic advantage of any kind, and you did or omitted to do anything for the purpose of carrying out that intention, thereby engaging in an attempt to commit the offence, contrary to B.II.2 of the Code.
3. In the alternative, on or about April 18, 1999 you did knowingly do or omit to do anything for the purpose of aiding or assisting another member to commit an offence under section B.1 .3.(b) of the Code and/or you did knowingly abet, counsel, procure or conspire with Mr. B. [see 1999/00-07] and/or Mr. Z. to commit or be a party to an offence under section B.1 .3.(b), namely you aided and assisted and/or abetted, counselled, procured or conspired with Mr. B. and/or Mr. Z. to engage in a form of cheating, academic dishonesty or misconduct in order to obtain academic credit or other academic advantage of any kind, contrary to section B.II.1 (a).
4. In the alternative, on or about April 17 and 18, 1999 you had the intent to commit an offence contrary to section B.II.1 .(a) of the Code in that you had the intent to

knowingly do or omit to do anything for the purpose of aiding or assisting another member to commit an offence under section B. 1.3. (b) of the Code and/or you had the intent to knowingly abet, counsel, procure or conspire with another member to commit or be a party to an offence under section B. I. 3(b), namely you intended to aid and assist and/or abet, counsel, procure or conspire with Mr. B. and/or Mr. Z. to engage in a form of cheating, academic dishonesty or misconduct in order to obtain academic credit or other academic advantage of any kind, and you did or omitted to do anything for the purpose of carrying out that intention, thereby engaging in an attempt to commit the offence, contrary to B.II.2 of the Code.

5. In the alternative on or about April 17 and 18, 1999, you did knowingly use or possess an unauthorized aid or aids or obtained unauthorized assistance in an academic examination, namely, your examinations in April 1999, contrary to section B.I.1.(b).
6. In the alternative, on or about April 17 and 18, 1999, you had the intent to commit an offence under section B.I.1.(b) of the Code to knowingly use or possess an unauthorized aid or aids or obtain unauthorized assistance in an academic examination, namely your examinations in April of 1999, and you did or omitted to do anything for the purpose of carrying out that intention, thereby engaging in an attempt to commit the offence, contrary to B.II.2 of the Code.
7. In the alternative, on or about April 17 and 18, 1999, you did knowingly do or omit to do anything for the purpose of aiding or assisting another member to commit an offence contrary to section B.I.1 .(b) of the Code, and/or you did knowingly abet, counsel, procure or conspire with Mr. B. and/or Mr. Z. to commit or be a party to an offence under section B.I.1 .(b) of the Code, namely you aided and assisted and/or abetted, counselled, procured or conspired with Mr. Z. and/or Mr. K. to knowingly use or possess an unauthorized aid or aids or to obtain unauthorized assistance in an academic examination, contrary to section B.II.1(a).
8. In the alternative, on or about April 17 and 18, 1999 you had the intent to commit an offence contrary to section B.II.1.(a) of the Code in that you had the intent to knowingly do or omit to do anything for the purpose of aiding or assisting another member to commit an offence under section B.I.1.(b) of the Code and/or you had the intent to knowingly abet, counsel, procure or conspire with another member to commit or be a party to an offence under section B.I.1.(b), namely you had the intent to aid and assist and/or abet, counsel, procure or conspire with Mr. B. and/or Mr. Z. to knowingly use or possess an unauthorized aid or aids or to obtain unauthorized assistance in an academic examination, and you did or omitted to do anything for the purpose of carrying out that intention, thereby engaging in an attempt to commit the offence, contrary to B.II.2 of the Code.
9. Pursuant to section B of the Code, you are deemed to have acted knowingly if you ought reasonably to have known that:

- a. you engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind; or
- b. you did use or possess an unauthorized aid or aids or obtained unauthorized assistance in an academic examination; or
- c. you did or omitted to do anything for the purpose of aiding or assisting another member to commit an offence; or
- d. you did abet, counsel, procure or conspire with another member to commit or be a party to an offence.

The particulars of the charges were as follows:

1. In the Spring of 1999, you were a student at Scarborough College.
2. In or about the week of April 1999 you were scheduled to write final examinations in the courses in which you were enrolled for the 1999 Winter term.
3. Together with Mr. B. and Mr. Z., on or about April 18, 1999 you engaged in a break-and-enter into the locked offices of CopyKat Scarborough Printing Centre.
4. During those break-and-enters, together with Mr. B. and Mr. Z., you obtained unauthorized access to final examinations which were scheduled to be written in the following weeks.
5. During that break-and-enter, you assisted Mr. B. to take a copy of the final examination in MGTAO2Y and to remove that copy from the premises, and to take an original final examination in EESAO5S and remove it from the premises

At the hearing held on May 30, 2000, Discipline Counsel and your Counsel made a joint submission in which you pled guilty to charges 1. The Panel accepted this joint submission.

Counsel for the University and your Counsel then made a joint recommendation with respect to sanction. After deliberation, the Panel accepted the joint recommendation/submission of the parties and imposed the following sanctions:

- Suspension from attendance at the University for a period of two years effective June 8, 2000; and,
- That the above sanction be recorded on your Academic Record for a period of three years commencing June 8, 2000.

The Panel provided the following reasons for its decision.

The entire panel is unanimous in considering these offenses to be extremely serious under the Code of Behaviour on Academic Matters. We have to look at not only the consequences to the individual, but the repercussions to the University community. It is in our view extremely important that all students at the University understand that this type of

behaviour is completely unacceptable and that severe sanctions are imposed when there is this type of behaviour.

[With respect to Mr. K.]... we are agreed that the sanctions for you should be less; you were not involved to the same extent. I might add that we were not impressed with the submission that you didn't find any exams that were helpful to you; that was of no consequence at all in our decision. You did participate in breaking in and looking for exams and you were aware that Mr. B. and Mr. Z. had the other exams. We appreciate your modest circumstances and that you cannot go elsewhere. You will have to find other endeavors for the next two years. We hope that you have learned your lesson and that we will never see you back here. We hope that the student community will learn that being "caught in circumstances" is no excuse for this type of behaviour. You are here to learn and to write exams to show what you have learned, not to break into facilities.

Sincerely,

Paul J. Holmes
Judicial Affairs Officer
Secretary, University Tribunal

c.c. R. David, Tribunal Co-Chair
L. Brown, Counsel from Mr. K.
V. Goel, Deputy Provost and Vice-Provost, Faculty
I. McDonald, Associate Dean, UTSC
L. Rothstein, Senior Discipline Counsel