



Discipline Appeal Committee

[REDACTED]

Appellant

v

Philip Dutton

Respondent

Appearing for the Appellant: Muhammad Zubair (Community Legal Aid, CLA)

Counsel for the Respondent: self-represented

Discipline Appeal Committee (DAC)

Professor Reem Bahdi (Chair)

Professor Michael Potter

Ms. Ghadeer Al Ghosein (Student Member)

DECISION

[REDACTED] has appealed the decision to impose a reduction of grade to zero on the midterm exam for 62-216 Differential Equations course (Winter 2017). For the reasons set out below, the appeal is allowed.

Facts:

[REDACTED] had a cell phone in his possession during the midterm exam, contrary to clear and explicit instructions. [REDACTED] does not contest that possession of the phone constitutes a violation of Bylaw 31 and represents a breach of the University's academic integrity policies.

Approximately 30 minutes into the 90-minute midterm exam, [REDACTED] asked to leave the exam room to use the washroom. The instructor asked him to first leave any items that might be in his pocket in the room. At that point, [REDACTED] volunteered his cell phone.

The instructor took the phone, [REDACTED] student identification card, and his midterm exam as filled out to that point. The student was told to fill out a new midterm exam paper and advised that he should speak with the instructor after the exam.

The course syllabus and the instructions on the midterm exam indicated that students are not to possess cell phones during examinations. Bylaw 31 provides a recommended set of sanctions for the failure to comply with exam instructions. The recommended sanctions include one or more of: admonition; mark reduction up to a grade of

zero on the exam; and, a letter of reflection or apology. The Associate Dean of Science, in consultation with the course instructor, imposed all three recommended sanctions.

██████████ has only appealed the reduction in his midterm exam grade.

Reasons for Allowing The Appeal:

The same essential set of facts arose in a previous case involving the same course and same decision-makers. In that case, the parties agreed that the imposition of all three sanctions (admonition, grade reduction, and letter of reflection) was not appropriate in the circumstances. The ultimate sanction imposed included admonition and letter of reflection but no grade reduction. There is nothing on the facts of this case that would require a deviation from this previous decision (See DAC-15/16-2)

Moreover, no evidence was provided to suggest that ██████████ used his cell phone to gain an unfair advantage on the midterm exam. The evidence presented only supported the finding of a failure to comply with exam instructions. ██████████ has not contested this finding. While failure to comply with exam instructions constitutes a serious matter in and of itself, the Committee is not convinced that the student's mark in the class should be altered. The sanction imposed should be tailored to the wrong committed and the harm done. Since there was no claim supported by evidence to the effect that the student sought to gain an advantage on the midterm exam, his performance should not be unduly compromised by the sanction imposed.

Finally, the Committee heard that several students in any given midterm or final exam in this course violate the policy of possessing cell phones. The instructor explained that if the phones are discovered within the first few minutes of the exam, no sanctions are imposed. Indeed, no report is even made of the violation even though the course instructions are clear and the students in question have formally violated those instructions. The instructor explained that he takes the opportunity in cases where the phones appear within the first few minutes of the exam to offer a teachable moment. It seems to the Committee that the facts of this case also offer an opportunity for a teachable moment. While a letter of reflection and admonition further the teachable moment objective, a reduction in the course grade on the evidence presented proves inconsistent with that objective. Given the other sanctions imposed, the mark reduction is not necessary to drive the point home to ██████████ that the conduct at issue is problematic or that the Faculty, and the University, expect more of its students.

Order Made:

██████████ grade in the course should be calculated with no reduction of grade on his midterm exam. The Committee notes that ██████████ right to appeal his final grade is preserved in Bylaw 51.



Professor Reem Bahdi
Chair, Discipline Appeal Committee

DATED THIS 10th day of May 2017