

**UNIVERSITY TRIBUNAL  
UNIVERSITY OF TORONTO**

**IN THE MATTER** of charges of academic dishonesty made on March 9, 2011

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

**AND IN THE MATTER OF** the *University of Toronto Act, 1971*, S.O. 1971, c. 56 as amended S.O. 1978, c. 88

**B E T W E E N:**

**UNIVERSITY OF TORONTO**

- and -

A [REDACTED] M [REDACTED] and N [REDACTED] B [REDACTED]

**REASONS FOR DECISION ON SANCTION**

**Hearing Date:** January 26, 2015

**Panel Members:**

Mr. Paul Schabas, Barrister and Solicitor, Chair

Professor Gabriele D'Eleuterio, Faculty of Applied Science and Engineering, Faculty Panel Member

Mr. Christopher Tsui, Student Panel Member

**Appearances:**

Ms. Lily Harmer, Assistant Discipline Counsel for University, Paliare Roland Barristers

**In Attendance:**

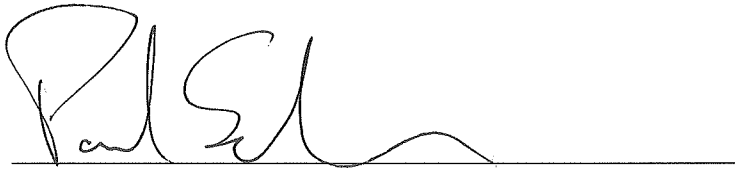
Ms. Lucy Gaspini, Manager, Academic Integrity and Affairs, University of Toronto Mississauga

Ms. Sinéad Cutt, Administrative Assistant, Appeals, Discipline and Faculty Grievances

- [1] We found the students had committed academic misconduct in our reasons released in December. We described them as two different counts of academic misconduct and we understand the University's position. It is seeking a mark of zero for Ms. M [REDACTED] in FSC 239Y5Y and a mark of zero for Ms. M [REDACTED] and Ms. B [REDACTED] in SOC 307 H5S.
- [2] The University has also asked that they be suspended for four years starting on September 1st 2014 with a notation to continue for five years from that date.
- [3] We appreciate the review of the authorities which has been very helpful to us and we appreciate that the general rule of thumb is that the starting point of these types of cases is a two year suspension and the matter goes up or down depending on various aggravating and mitigating factors.
- [4] We are in agreement that the closest case on point is the M [REDACTED] H [REDACTED] case (Case No. 521; January 12, 2009). This is perhaps the closest because this case involves a student who did not appear and he had no prior findings of guilt. So in our view, that is the most instructive having regard to the factors that we ought to be considering, as they did in Hanif and the factors that are set out in Mr. Sopinka's old decision of Mr. C. (Case No. 1976/77-3; November 5, 1976).
- [5] In our view, the cases that the University took us to where students received a four-year suspension or more all involved situations where the student had a prior record and in our view, while we recognize that reasonable people could differ, in our view that is a compelling factor which drives us to find that the suspension in this case should be three years.
- [6] As with H [REDACTED], we did, as our reasons reflect, regard this more as two incidents rather than three, though we appreciate the point that separate incidents within a course can be separate offences. But in our view, that is how we saw it and we see H [REDACTED] as being the closest case on point and are inclined to follow it.
- [7] As such, the panel orders:
1. A final grade of zero (0) in the course SOC307H5S for Ms. B [REDACTED] and Ms. M [REDACTED]; and, a final grade of zero (0) in the course FSC239Y5Y for Ms. M [REDACTED];
  2. That Ms. B [REDACTED] and Ms. M [REDACTED] shall be suspended from the University of Toronto for a period of 3 years commencing September 1, 2014 and ending on August 31, 2017;

3. That the sanction be recorded on Ms. B [REDACTED] and Ms. M [REDACTED]'s academic record and transcript to the effect that she was sanctioned for academic misconduct, for a period of 4 years from the date of this Order to August 31, 2018, or until her graduation from the University, whichever is earlier; and
4. That this case be reported to the Provost, with Ms. B [REDACTED] and Ms. M [REDACTED]'s name withheld, for publication of a notice of the decision of the Tribunal and the sanction imposed.

Dated at Toronto, this 11<sup>th</sup> day of May, 2015

A handwritten signature in black ink, appearing to read 'Paul Schabas', written over a horizontal line.

Paul Schabas, Co-Chair