UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION

IN THE MATTER OF charges of academic misconduct made on September 11, 2011 and December 1, 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.

BETWEEN:

THE UNIVERSITY OF TORONTO

- AND -

M[redacted] ([redacted] F[redacted]

REASONS FOR DECISION

Hearing Date: March 28, 2013, May 6, 2013, May 22, 2013, June 12, 2013, January 21, 2014 and August 14, 2014

Members of the Panel:
Mr. Michael Hines, Lawyer, Chair
Professor Richard B. Day, University of Toronto Mississauga, Department of Political Science, Faculty Panel Member
Ms. Eleni Patsakos, Student Panel Member

Appearances:
Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Barristers
Mr. Ted Charney, Lawyer, for the Student
Ms. Samantha Schreiber, Lawyer, for the Student
Ms. M[redacted] F[redacted], the Student

In Attendance:
Professor John Carter, Dean's Designate, Faculty of Applied Science and Engineering
Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

1. By a Decision dated September 23, 2013, this Panel found the Student guilty of three separate academic offences. Put briefly, these were:

   (a) Submitting work for which credit had been previously obtained without the knowledge and approval of her instructor – in June, 2011, the student had included as a portion of her contribution to a written group project three paragraphs taken from a similar project she had undertaken in the preceding semester while attempting (unsuccessfully) to pass the same course;
   (b) Engaging in a form of academic dishonesty, misconduct or fraud not otherwise described in order to obtain academic advantage – also in June, 2011, when faced with (ultimately unproven) allegations that portions of her individual Portfolio were created by another person, the student (rather than explaining the situation truthfully) engaged in an elaborate and prolonged attempt to deceive the University through the alteration/falsification of documents submitted in her defence;
   (c) Knowingly possessing an unauthorized aid in a term test – in October, 2011, while attending the washroom during a permitted break in the course of writing a term test, the student improperly created notes to be used by her upon resuming the exam.

2. Having found the Student guilty of these offences, the Panel adjourned the hearing to permit the parties to prepare evidence and submissions concerning sanction. In that intervening period, the student retained new legal counsel and efforts were made by her to secure medical evidence from one of her treating health providers who does not reside in Canada.

3. These steps (retention of new counsel, securing medical evidence) coupled with logistical issues and other unforeseeable circumstances unfortunately led to a delay of almost precisely twelve months in the resumption of this hearing. The hearing ultimately resumed on September 11, 2014, at which time evidence and argument were presented regarding sanction.

The Evidence Going To Sanction

(a) Subsequent Academic Work

4. The Student continued to take courses at the University while the charges against her were outstanding, including in the 2013-14 academic year following our original finding of guilt on September 23, 2013. This evidence should be regarded in context.

5. The Student was first accepted as a student by the University in September 2006, when she was sixteen years old. It is fair to say that she struggled in her early attempts, withdrawing from both the 2006-07 and 2007-08 academic years and only returning for the Fall 2009 semester. Her performance was inconsistent between her resumption of studies in September, 2009 and September, 2011, when (following the charges at issue here) she returned to her native country in order to, among other things, receive medical treatment appropriate to certain psychiatric disabilities discussed below.

6. Upon returning to the University in September, 2012, the Student again struggled with her work in the Fall Semester. However, in the 2013 Winter Semester (when our hearing began) and in the 2013 Fall and 2014 Winter Semesters, her marks have improved considerably. In this period, the Student took again one of the courses (Engineering Strategies and Practice II) that formed the backdrop for convictions 1 and 2, noted above, and obtained a mark of 76.

7. We were also provided with several "letters of reference" from professors and tutorial assistants. Understandably, these letters did not address the issues of misconduct that are at the centre of this hearing. Rather, they attested to the Student's dedication to her studies, particularly following their resumption in September, 2012.

8. As of the date of the resumption of this hearing, the Student had acquired the number of credits needed to graduate from her undergraduate program. There was some disagreement between the parties as to whether or not the University had the right to withhold the granting of a degree based upon the fact that the sanction for her academic offences had yet to be determined, but in fairness to the Student this matter was not pressed before us, nor is it a matter within our purview. It was common ground that the Student had not, in fact, been granted a degree by the University.

9. Finally, we were advised as well that, by letter dated June 17, 2014, the Student had been accepted by the Department of Mechanical and Industrial Engineering to pursue graduate studies. We understand that this acceptance cannot be acted upon presently because the Student has not graduated for the reasons noted above.

(b) Prior Academic Offence

10. The Panel was advised that before any of the events giving rise to this hearing occurred, the Student had been involved in one prior academic offence. This occurred in December, 2010, approximately six months before the first of the three offences of which we have found her guilty. On this occasion, the Student was found in possession of an unauthorized aid (her iPhone) while writing a test in French Language II. This, of course, is the same academic offence that underlies the third conviction noted above.

11. By letter dated January 21, 2011 from the Dean's Designate for Academic Integrity, less than five months before the first of the offences addressed in this hearing, the Student was assigned a mark of zero on the test (worth 11.5% of her overall course mark) and her name was added to the student offence database. She was advised by letter that while no notation of this offence would be placed upon her transcript, her actions were considered unacceptable and a breach of the ethical standards of the engineering profession that she aspired to enter. The letter concluded as follows:

> This letter is to serve as a strong warning to you that any future academic work must be conducted in full accordance with the rules and regulations of the University. **Be advised that, in the event of a 2nd offence, the penalties would be much more severe**. [emphasis in the original]

(c) Medical Evidence

12. With the consent of the University, we were provided with both the clinical notes and a report from a Dr. Saliani, one of the Student's treating medical practitioners. Without going into detail, this evidence established that the Student suffered from recognized psychiatric disabilities that, without accommodation, could (and perhaps would be likely to) interfere with the Student's ability to concentrate generally and particularly with her ability to internalize rules and instructions without assistance and reminders.

13. This evidence was similar to what the Panel heard in the portion of the hearing devoted to questions of liability. The important difference between the two sources of information concerned timing and therefore relevance. The evidence we heard in the first part of the hearing was provided by a practitioner who was treating the Student at the time of the hearing but who had not been treating her (and indeed had not even met her) at the time that the three offences were committed. As we noted in our first Decision, this fact undermined the utility of that evidence in

addressing the behaviour of the Student at the relevant time.

14. By contrast, Dr. Saliani, a specialist, began treating the Student in December, 2010, evidently when the Student returned to rejoin her family in her homeland during the break between the 2010 Fall Term and the 2011 Winter Term. Although Dr. Saliani was evidently unaware of it, the Student had recently been caught with her iPhone in the French Language II exam, with her sanction yet to be determined. Dr. Saliani saw the student on five occasions between December 21, 2010 and January 11, 2011, at which time she returned to Toronto to begin the 2011 Winter Term. He diagnosed her with conditions that cumulatively impaired her abilities to stay on task, to organize her work and to internalize instructions.

15. As the Student left for Toronto, Dr. Saliani recommended to her that she obtain psychiatric treatment in Toronto to assist her, advice that was unfortunately not followed until October, 2012. As well, Dr. Saliani determined that it was medically advisable to treat one of the Student's conditions before addressing the other. This meant that the Student had no medications available to her to address the latter condition.

16. Dr. Saliani's notes disclose that he remained in telephone contact with the student on a monthly basis thereafter. These notes reflect struggles that the Student continued to have with her concentration and with anxiety. Although medication had been prescribed for her, it appears that she was not taking it regularly or perhaps at all. This behaviour is, itself, a feature of one of the conditions from which she suffered. As noted, it was in January of the 2011 Winter Term that she received the warning described above concerning the possession of her iPhone during a test.

17. Against Dr. Saliani's advice, the Student determined to take a full course load in the 2011 Summer Term. It is in this Term that she committed two of the three academic offences for which she has been convicted in this hearing. After the second of these and after the conclusion of the Term, she returned to her homeland and saw Dr. Saliani on three occasions. She was still struggling with her conditions. Against the advice of Dr. Saliani, she insisted on returning to Toronto to resume her studies in September, 2011.

18. It was during the 2011 Fall Term that she committed her third offence – creating assistive notes while on a washroom break. Her description to us in the first part of this hearing of her experience during that test is consistent with the descriptions she gave to Dr. Saliani by telephone.

19. The Student then withdrew from the 2011 Fall Term, left the University and returned home. She underwent more regular treatment with Dr. Saliani over a ten-month period extending from November, 2011 to August, 2012. Her medications were adjusted and her conditions improved. Specifically, as progress was made with one of her conditions, treatment of the other through medication became more feasible. As noted above, she returned to the University for the 2012 Fall Term, has received treatment here in Canada and has attended classes regularly, with performance improved relative to her earlier years of study.

20. In his Report, Dr. Saliani explains how, in his opinion, the Student's conditions (particularly at times when she was not taking her medications) would likely have contributed to her failure to appreciate instructions that were given to her in regard to the offences of "self-plagiarism" and possession of an unauthorized aid. He also expresses the opinion that the Student's judgment would likely have been impaired with respect to her decisions to falsify documentation associated with her individual Portfolio and her attempts to mislead the University with respect to that issue.

(d) Evidence from the Student

21. The Student also testified, as she had done during the "liability" phase of the hearing. With respect to the issue of the improper submission of prior work, she apologized for having suggested in her earlier testimony that the events had been the result of inadequate instruction by Professor Grenier regarding the rules.

22. Regarding the offence of academic dishonesty, she testified that she had hoped to be accompanied by her tutor (who had been centrally involved in the development of the Portfolio assignment in question), at the meeting with the Dean's Designate and panicked when she was told (as she understood it) that he could not attend with her. This led to the series of steps she took to deceive Professor Grenier and Professor Carter.

23. She also recounted her return home that summer, her failure to follow Dr. Saliani's advice to defer a return to school until her conditions had improved, and the realization, following the incident involving the creation of the unauthorized notes during the CHE353F test, that she was incapable of dealing with her medical problems while attending school in Toronto. She returned home for about a year, received treatment, improved, returned to the University in September 2012, accessed medical treatment here in Toronto and completed the studies necessary for her degree, as noted above.

24. She spoke of her strong desire to continue her studies, with the ultimate goal of obtaining her Ph. D. in Mechanical Engineering. She expressed great fear that a suspension as a consequence of this hearing would have a devastating impact on her future, that it would ruin her career. She told us that she had clearly begun post-secondary life when she was too young, before she was adequately prepared for life away from her parents. She also stated that she had not taken her disabilities seriously enough. She expressed the understandable wish that she could do it all over and pledged that she would never again violate the rules of the University.

25. In cross-examination, the Student agreed that she had attended the University's Accessibility Centre in March, 2010, in order to receive a number of accommodations described in our earlier decision. However, she observed that these accommodations were established before she had been seen by Dr. Saliani in January, 2011, who then identified and diagnosed a condition that was not recognized at the time of her assessment by the Accessibility Centre. She also observed that, for medical reasons, treatment of this condition was deferred until later in 2011. This would accord with Dr. Saliani's progress notes. It is to be noted that the Student unfortunately did not bring this new diagnosis to the attention of the Accessibility Centre upon her return to Toronto in January, 2011.

Analysis

Credit for time absent from the University?

26. Before analyzing the more conventional aspects of the sanction phase of this unconventional hearing, we will address the Student's submission that any suspension that the Panel might otherwise impose should be reduced, in whole or in part, because of and by reference to the time the Student voluntarily absented herself from the University. As noted above, this was for approximately ten months, from November, 2012 to September, 2013.

27. The Panel is not prepared to give any weight to this submission. The Student's absence from the University was undertaken for the purpose of receiving medical treatment and to get her life back under control. This was both commendable and necessary. She has reaped the benefits of this course of action at the very least in the form of her improved academic performance, leading to the completion of her course work and her acceptance for graduate studies. It was not done as an act of penance.

28. Even if it had been, the reduction of a formally-imposed sanction on account of such behaviour undermines the impact of whatever statement the University, through this Tribunal and any related appeals, wishes to make with respect to the misconduct that has led to the convictions in question. This observation applies not only to the (hopefully) deterrent impact of the sanction within the University community. It applies equally to the statement that the University chooses to make about the Student and the impact of that statement on her. Whether or not that statement will be permanent in the case of the Student's personal academic record is a matter for further consideration. However that issue may be resolved, the statement should not, in our opinion, be diluted by the Student's understandably self-interested actions.

Sanction

31. It is trite to say that sanctions in cases of academic discipline must depend upon the individual factors of the case under consideration. That comment is true even in straightforward cases. It is especially apposite in this case, involving, as it does, three separate offences, prior involvement with academic misconduct and medical evidence that arguably accounts at least in part for the events upon which the convictions were established. Not surprisingly, none of the decided cases put before us correspond precisely or even strongly to the constellation of facts we must address. Consequently, although informed by case law, our decision-making process must ultimately be more intuitive than mechanical.

32. Having said that, there are a number of propositions that can be taken from the cases cited by counsel, specifically:

    a) Conviction of an academic offence on the basis that the student "ought to have known" they were in violation of a rule may invite a less substantial penalty than in a case where the violation was knowingly committed (*Mr. K. X.,* Case# 546; May 31, 2010);

    b) Although not equivalent to "plagiarism", the re-submission by a student of their own work for which credit has been previously obtained can attract a very significant sanction, particularly where the student had been treated leniently in respect of prior academic misconduct (*V[redacted] P[redacted]* Case #699; August 21, 2013);

    c) Mere possession (without proof of use) of an unauthorized aid may, whether as a first offence or in combination with other offences, be regarded as falling at the less serious end of the disciplinary spectrum and therefore not

justifying a suspension of any kind (*Mr. S.S.*, Case #499; October 6, 2008, *P* *T*, Case #655; October 24, 2012). However, the possession of such an aid where the facts indicate that use either occurred or was intended will be regarded more seriously (*T* (*S*, Case #635; February 8, 2012), particularly where previous warnings or sanctions for such possession have already been imposed (*M* *L*, Case #527; November 3, 2008; *S* *K*, Case #732; March 11, 2014);

d) In determining sanction, the Tribunal should be conscious of the specific impact that a given suspension may have on the academic future of the student arising out of the particular facts of their case (*Mr. S.S.*, supra);

e) Sanctions will be mitigated where the student acknowledges their wrongdoing at the earliest opportunity;

f) Where medical factors rise to the level of preventing the student from knowing right from wrong, they may excuse what would otherwise constitute misconduct. Where such factors do not rise to that level, they may nevertheless be considered in terms of mitigation of sanction (*S* *M* Case#478; October 6, 2008; *V* *P* supra, *S* *K*, supra).

33. With these propositions in mind, we will address the offences individually, dealing first with submission of prior work for credit, then with the possession of the unauthorized aid and finally with the conviction for academic dishonesty.

(a) Submission of prior work for credit

34. In retrospect, it is perhaps unfortunate that this issue acquired within this hearing the label of "self-plagiarism". The Panel is agreed that the misconduct in this case does not carry with it the same degree of perfidy that deservedly attaches to cases of true plagiarism. In such cases, the offender appropriates the work of another and passes it off as their own. The offender cannot be heard to say that the stolen ideas are ones that s/he could have developed on their own had they only taken the time.

35. The offence in our case was not that the Student passed off the work of another as her own, but rather that she sought to receive credit for her own work in two different pieces of academic work. The issue may be more accurately associated with "double-counting" rather than with plagiarism.

36. This is not to suggest that the misconduct is trivial. The breach of any academic rule set out in the *Code of Behaviour on Academic Matters, 1995* must be regarded seriously. A student guilty of this offence can, of course, not expect to

receive the slightest credit for the work in the course in question. In an isolated case, devoid of any other offences or considerations, a student might well expect to receive a grade of zero in the course. These comments are of no direct relevance to this case, since the Student in our case does not require credit in the 2011 APS112T course in order to receive her degree. More materially, where, as here, other offences have been committed, both before and after the event of double-counting have occurred, the commission of this offence may well be factored into the imposition of a more serious sanction (*V[redacted] P[redacted]*, supra).

37. As noted in our Decision on liability, while the Student attributed her failure to follow the rules in this case to her medical condition, she also demonstrated to us an attitude of wilful indifference coupled with the implication that her professor was at fault. She has, in this phase of the hearing, apologized for the last of these positions, and wisely so. As will be addressed towards the end of these Reasons, we believe that the Student has learned a great deal from this process, a process that has been hanging over her head for more than three years.

38. She also provided, at this stage of the hearing, medical evidence that is more timely in the sense that it addresses medical conditions as they existed at the time the offence was committed, rather than speculatively in retrospect. We are prepared to accept that her medical conditions, as proven, made it more difficult in 2011 for her to internalize and therefore follow the rules that were brought to the attention of her and her classmates by Professor Grenier.

39. Having said this, we do not accept that the medical evidence entirely excuses her from culpability or sanction in respect of this issue. While her condition may have made it difficult for her to extract rules from an eight-page syllabus (Exhibit 15) and/or a four-page Declaration of Original Ownership (Exhibit 20), the rule in question was addressed in a PowerPoint presentation (Exhibit 17) and emphasized verbally by Professor Grenier in the first class of the course. This is the sort of emphasis that Dr. Saliani says was necessary in the Student's case. Similarly, the medical evidence does not, in our opinion, go so far as to establish that the Student's conditions, standing alone, would have made it *impossible* for her to have appreciated the importance of a one-paragraph email from her professor entitled "Academic Integrity" (Exhibit 16). Put differently, even had Dr. Saliani's evidence been led at the liability phase of the hearing, it would not have persuaded us that her impairments were so profound that they actually prevented her from "knowing right from wrong" according to the rules of the University.

40. Her oversight regarding the rules against re-submission for credit is particularly hard to justify given the fact that at the end of January, 2011, less than four months earlier, the Student had received a written warning that, in the clearest possible terms, demanded that she conduct herself in a fashion scrupulously consistent with the University's expectations. We also note that she was aware of her own need to compensate for the impact of her condition on her ability to understand and follow rules – this was in large part why she had hired a tutor to assist her.

41. While the Panel is prepared to accept that the Student's condition may well have *contributed* to her failure to follow the rule against seeking double credit, it did not *prevent* her from understanding that rule. We continue to hold the opinion that her own attitudes played a very significant factor in this event. Accordingly, and as intimated earlier, given that other offences have been committed, both before and after the event of double-counting in this case, the commission of this offence will be factored in the imposition of a sanction more serious than simply receiving a zero in the course in question.

(b) Possession of an unauthorized aid

42. This offence raises several of the same considerations addressed in connection with the submission of prior work for credit, starting with the issue of authorship. The particular "aid" used by the Student in this case was not reproduced from a textbook or supplied to her during the test by a third party through a cellphone conversation or a text message (see *S[redacted] J[redacted]*, Case#558; January 21, 2010). The information was created by the Student herself, without resort to external assistance. Indeed, it was created during the test in response to the very questions she was expected to answer, rather than having been created before the test in such a way that her ability to generate the information independently in a test environment would be called into question.

43. As a consequence, the nature of the offence as it was actually committed places it at the lower end of the spectrum of behaviour that could constitute a breach of Rule B.I.1(b).

44. However, and as with the previous issue, the placement of this particular variant of the offence at the less severe end of the spectrum does not suggest that the offence itself is trivial. Obedience to the rules associated with taking tests and exams is of critical importance to the integrity of those processes and ultimately of the degrees to which they lead.

45. The Student was aware that while she was engaged in her washroom break, she was "off the clock" for the purposes of calculating the time spent on the exam (which, itself, had been adjusted upwards to accommodate the condition that had been brought to the University's attention). She was aware that the rules of the exam did not permit the use of notes. She would obviously not have been permitted to bring the same notes into the exam with her. The fact that they were created in response to the actual exam questions while off the clock and after having had the benefit of seeing the exam questions militates against the position that the violation of the rule is minimized because she "really knew" the answers to the questions.

46. We appreciate the Student's position that her disabilities might well have made it somewhat more challenging for her to internalize rules in an abstract way. However, this particular rule, possession of an unauthorized aid, was the precise subject of her brush with the student discipline system in January of that year. Again, this is the kind of explicit "Attend to this!" type of messaging that Dr. Saliani considered necessary given her condition. She must (or should) have appreciated through that process, through very direct communications, that unauthorized aids in an examination environment are forbidden even when they are not used or where their use cannot be proven.

47. We do not have the benefit of Dr. Saliani's assessment of the Student's ability to internalize the violated rule in this unique context (i.e., having broken the rule once before and having received the clearest of warnings), since he appears to have been unaware of this fact. One would justifiably expect that he would not have been quite as ready to excuse her on medical grounds had he known that to have been the case. This would be particularly so, given the fact that she had, by this time, been placed on notice of the University's concerns regarding the two offences allegedly committed that previous June.

48. It may well be that, had the Accessibility Centre been made aware of her newly diagnosed condition, the Student would have been permitted to engage in this type of "in-test note-taking". On that, we have no evidence. Our task at this stage is to reasonably apply to her the rules that were in place at the time in all of the factual circumstances then existing, including in particular the prior warning she had received regarding the use of unauthorized aids. Given the specific experience of this student with this offence and notwithstanding the medical evidence concerning the impact of the Student's disabilities in a more generalized setting, we are unwilling to significantly minimize the importance of this offence to the case at hand.

(c) Academic Dishonesty

49. Discipline Counsel submitted that of the three offences before us, this was the most significant. We agree.

50. The Student's behaviour regarding the "prior submission" rule applicable to her Portfolio and to the "unauthorized aid" rule applicable to the writing of the CHE353F test are troubling, even when regarded through the "medical lens" provided by Dr. Saliani. The charge of academic dishonesty involved not a single failure to abide by the rules but rather a determined, persistent effort to mislead the University regarding the facts of an investigation through deliberate, calculated efforts that, but for the energy, skills and determination of Prof. Grenier, would not have been revealed. The irony on this issue, of course, is that ultimately the prosecution did not establish before us that the offence of which she was originally suspected (and that led to the investigation) had been committed. This does not detract from the fact that the Student was willing to (and did) mislead the University about the truth.

51. Unfortunately for the Student, not only is this offence the most significant, it is the one that is least arguably mitigated by the evidence and opinions of Dr. Saliani. He does not assert that the Student was unaware that it is impermissible to lie to the University, nor could he credibly have done so. He is, at best, able to assert that the Student's judgment at the time was "impaired" and "clouded", and that this "did not allow her to make the right decision".

52. Once again, the Panel does not accept this medical explanation as a complete answer to the misconduct under discussion. This is based in part on the tenor of the testimony we heard from the Student as she testified in the first stage of this hearing on the merits. We remain concerned, despite Dr. Saliani's report, that the behaviour of the Student on this occasion reflected, at least to some extent, weaknesses in her integrity as a student that were present at the time in question.

53. We add (and we think it significant) that the Student who testified before us in the most recent stage of this hearing differed in marked respects from the Student who testified before us a year ago. The significance of this observation will be addressed shortly. For present purposes, it is sufficient for us to conclude that at the time that the offence of academic misconduct was committed, the behaviour reflected on her in ways that are not entirely attributable to her disabilities.

Conclusion on Sanction

54. As stated earlier, there is no prior Decision of this Tribunal that provides a precise analogy to the case before us. Having said that, we may refer to the Decision in *P[redacted] T[redacted]* (Case #655; October 24, 2012) as one that bears some useful structural similarities to the case before us.

55. The outcome in that case, based upon a joint submission on penalty, was a three-year suspension, coupled with a grade of zero in one course and a grade of 50% in another course. The student had committed three acts of academic misconduct. The least of these was knowingly being in possession of an unauthorized aid during a final examination. The aid in question was an iPhone, but there was no evidence that it had been used to assist the student.

56. The student was also convicted of academic dishonesty, specifically the deliberate alteration of the "creation date" of a computer-generated document by resetting the system clock on his computer. This was done in an attempt to persuade his professor that the document had actually been created prior to the date specified for its submission. The professor in question, having been specifically invited by the student to check the creation date, went on to examine the metadata (as did Prof. Grenier in our case) and determined that the student had lied about the creation of the document.

57. The student, when confronted with this information, immediately admitted to having reset the system clock, although it was not until the hearing that he acknowledged that this constituted an academic offence. It will be recalled in our case that the Student made no admissions concerning her conduct in deceiving Prof. Grenier until after he testified and that she continued to dispute the commission of an academic offence even beyond that point.

58. The third offence committed in *T[redacted]* was plagiarism – the student had submitted an essay containing passages that were reproduced verbatim from another source without attribution. The student pled guilty to this offence, as he had to the other two offences.

59. As stated, the sanction in *T[redacted]* was arrived at through the acceptance of a joint submission on penalty, one involving a three-year suspension. Regarding the unauthorized aid, the University accepted that the offence of mere possession without use was "at the less serious end of the spectrum", and that a passing grade of 50%, rather than zero, was appropriate (para. 11). However, it would appear that the impact of this conviction had not been exhausted by that point,

since the Tribunal then relied on the fact that "there were a total of three events giving rise to academic discipline" in justifying the three-year suspension (para. 12).

60. In jointly advocating acceptance of the proposed three-year suspension, both counsel reminded the Tribunal of the student's considerable cooperation in agreeing to facts and in pleading guilty, as well the fact that he had a clear prior disciplinary record. In accepting the joint submission, the Tribunal stated "While the Tribunal has taken these mitigating factors into account, absent the joint submission the Tribunal would have considered a more serious penalty." (para. 15).

61. It is true that there were no mitigating medical issues in T[redacted]. We also accept that the offence of true plagiarism is undoubtedly more serious than the "double-counting" offence that occurs when a student's own work is submitted a second time for credit. At the same time, the Student in our case had a prior experience with academic discipline. Rather than promptly admitting her attempted deception, the Student, by her behaviour during the investigation of the incident involving Prof. Grenier, demonstrated a deeply troubling disregard for the standards of honesty and integrity expected of students of the University. It is worth noting that although the Student began her career at the University at an unusually young age, she was twenty-one years old at the time of this offence.

62. As alluded to earlier, and recognizing that this may simply reflect an optimistic gullibility on the Panel's part, we are of the view that the events of the past three years described in this Decision have had a very significant impact on the Student. Without meaning to sound sanctimonious, we believe she has learned a very difficult lesson the hard way. We think it highly unlikely that she will deliberately commit another academic offence as she did in the case of the Portfolio submitted to Prof. Grenier. We believe moreover that she is likely, particularly if she continues to receive appropriate medical treatment, to be diligent in meeting the expectations placed upon her through the procedural and disciplinary rules of the University.

63. However, the sanction in this case must reflect the fact that, altogether, the Student has in fact committed four academic offences, including the one for which she received the following warning in January, 2011:

> This letter is to serve as a strong warning to you that any future academic work must be conducted in full accordance with the rules and regulations of the

> University. **Be advised that, in the event of a 2nd offence, the penalties would be much more severe.** [emphasis in the original]

64. While two of the three offences of which we have convicted her are, within the context of those offences, at the "lower end of the spectrum", this does not mean that they are trivial. The student in *T* [redacted] received a three-year suspension, but would have received a higher sanction had he not had a clean disciplinary record and had he not cooperated at all stages of the disciplinary process. This would have, in our view, been in keeping with the Tribunal's case law and, more importantly to the disposition of this case, with our own views.

65. Unlike the Student in *T* [redacted], the Student in our case had already received, in a sense, a "free pass" on her first offence. This would have made it difficult to extend leniency had there been one subsequent offence, let alone three. We appreciate the mitigating impact of her medical conditions but, as prior cases have held, we will not allow those conditions, complemented as they were by her own attitudes, to absolve her wholly or even substantially of blame. In addition to the impact on her, we must also be mindful of the impact our decision may have on other members of the University community going forward.

66. Finally, in imposing a sanction, we wish to be mindful of the specific impact our Decision (and, in particular, its timing) will have on the Student in light of her evident desire to resume her studies at the University at the graduate level. Had it not been for this factor, the involvement of her medical conditions and her impressive and successful attempts to complete her undergraduate requirements, we would have been inclined to agree with the University that a three-year suspension would be appropriate in this case. However, given the date of this Decision, this would have prevented the Student from rejoining the University community in September, 2017, as we trust she intends to do. This particular hardship on her can, in our opinion, justifiably be avoided in this case by the imposition of a suspension of 2 ½ years.

67. Accordingly, we order as follows:

1. The Student shall receive a final grade of zero in the APS112T and CHE353F courses that she took in 2011;

2. The Student shall be suspended for a period of 2 ½ years from the date of this Decision; and

3. This sanction shall be recorded on her academic record and transcript from the date of this Decision for a period of 2 ½ years, unless she resumes her studies at the University in 2017 or 2018, in which event it shall remain on her academic record and transcript for a period of 3 ½ years from the date of this Decision.

68. We further order that this case be reported to the Provost for publication of a notice of the Tribunal's Decision and the sanction imposed, with the name of the Student withheld.

69. In closing, we note again that in her testimony, the Student expressed great fear that a suspension of any kind as a consequence of this hearing would have a devastating impact on her future, that it would ruin her career. As stated above, the record of the sanction we have imposed will be time-limited. More generally, and bearing in mind the role of general deterrence in fashioning disciplinary sanctions, it will be evident to anyone who becomes aware of this Decision that there are many highly positive and promising statements within it concerning the Student in this case. It should be noted that this is an observation that this Tribunal is not always in a position to make.

All of which is ordered this 11th day of November, 2014.

Dated at Toronto, this 30th day of December, 2014

Michael Hines, Co-Chair