

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER of charges of academic dishonesty made on January 7, 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 (the "University")

- and -

O [REDACTED] S [REDACTED] (the "Student")

Hearing Date: May 9, 2012

Panel Members:

Ms. Roslyn M. Tsao, Barrister and Solicitor, Chair
Professor Graeme Hirst, Department of Computer Science, Faculty Panel Member
Ms. Vy Nguyen, Student Panel Member

Appearances:

Mr. Danny Kastner, Associate, Paliare Roland Barristers
Ms. Lily Harmer, Assistant Discipline Counsel for the University, Paliare Roland Barristers
Mr. Edward F. Hung, Barrister and Solicitor, Counsel for the Student
Ms. O [REDACTED] S [REDACTED] the Student

In Attendance:

Dr. Kristi Gourlay, Manager of Office of Academic Integrity
Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances

WRITTEN REASONS

On May 9th, 2012, we heard submissions regarding penalty in this matter. We rendered the following penalty:

1. That the Student receive a zero in the course PSY240H1F;
2. That the Student be suspended from attendance at the University of Toronto for a period four (4) months, commencing September 1, 2012 and ending December 31, 2012.
3. That a notation be placed on the Student's transcript for a period of three (3) years [from May 9, 2012] to the effect that the Student was suspended from the University for academic misconduct; and
4. That a report of the decision be made to the Provost for publication in the University's newspaper with the Student's name withheld.

We also indicated that we would likely provide supplemental written reasons at a later date. These are those reasons.

The Student was in her second year at the University at the time of the offence. This was the Student's first offence.

In considering all the evidence, we view the Student's alteration of her scantron answer card during the TA review session to have been a deliberate act of academic dishonesty but also an inexplicable lapse in judgment by the Student. The email which the Student sent to the TA was an attempt, on second thought, to try to reverse her request for a review of her results. However, we agree with the University that, at some point, after the allegations were brought to the Student's attention, she could have taken steps to acknowledge her error in judgment.

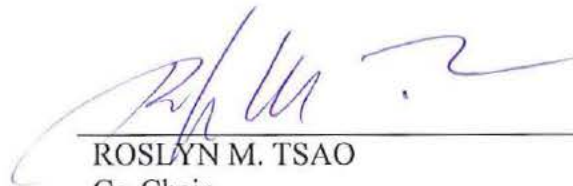
We also accept that the one and a half year process has taken a significant toll on the Student and her family. Although, it may be said that the prolonged nature of this case has been due to the Student's refusal to acknowledge any wrongdoing, she has indicated her acceptance and respect of our findings. The goal of specific deterrence has been addressed by the ordeal of the process

on the Student. The University has fairly stated that general deterrence in this case is a secondary concern.

With respect to the term of suspension, we were not convinced by the University that we were bound by other decisions of this tribunal to impose a minimum two year suspension for this type of offence. There still remains a discretion to consider the Student's personal circumstances and the other *Chelin* factors. Though pleading guilty may be a mitigating factor on penalty, the converse --- that pleading "not guilty" is an aggravating factor, in and of itself --- is not necessarily true.

The Student was enrolled in an exchange program for the summer 2012. Accordingly, we have decided to structure the four month suspension to commence on September 1st to allow the Student to complete this exchange program.

Dated at Toronto, this 20th day of June, 2012.



ROSLYN M. TSAO
Co-Chair