

UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION

IN THE MATTER charges of academic dishonesty made on October 4, 2010;

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 –

L M

Hearing Date: February 17, 2011

Members of the Panel:

Mr. Ronald Slaght, Q.C. Barrister, Chair

Professor Bruno Magliocchetti, Department of Italian Studies, Faculty Panel Member

Ms. Alice Kim, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers

Ms. L M, the Student

In Attendance:

Dr. Francis Ahia, Associate Director, Transitional Year Program

Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

- [1] In a written decision released on February 1, 2011 the Tribunal found Ms. M guilty of two charges under the *Code*. This panel found that Ms. M had surreptitiously transported an unauthorized aid into an examination, in the form of a three page Note containing relevant information which she had downloaded from the internet, which she then used to answer examination questions in the Course HIS 109 Y1Y. The hearing this evening is concerned with the penalty phase of this case.
- [2] The University called no evidence, but relied upon evidence given in the earlier proceeding, and made submissions to us. Ms. M , who was self-represented during this phase, gave evidence before us and also made submissions.
- [3] The University submits that the appropriate sanction in this case is a two year suspension from the University, a grade of zero in the course, a notation on Ms. M 's record for the period of suspension, and publication in the usual manner with names redacted.
- [4] The panel has considered the submissions that you both have made and Ms. M 's evidence on this sanction hearing. In all the circumstances, we are satisfied that the penalty the University is seeking should be imposed in this case. We therefore impose a two-year suspension from the university, a zero grade in the course, the publication without your name in the appropriate publication, and a transcript notation for the two year period of the suspension.
- [5] In her submission, Ms. M asks that we impose no period of suspension. She was prepared to acknowledge that she should have a zero grade in the course. For the brief reasons that I will give, we are unable to accept Ms. M 's submission.

- [6] We are, to the extent of relevant cases, bound by those decisions. We have had the benefit of argument from Mr. Centa including a brief review of the sentencing principles emerging from those cases. I think it is fair to say that for a first-time offender, which Ms. M is, conviction of an offence of plagiarism alone results in a minimum penalty of a two-year suspension in such cases.
- [7] Of course in this case we found not only was there plagiarism, which tonight Ms. M has acknowledged, but we made the additional finding that an unauthorized aid was secretly brought into the examination room, and used. In her evidence tonight Ms. M still does not accept this tribunal's finding that that is what she did. Taking that additional offence into account and Ms. M's lack of acknowledgment into the mix, it seems to us that it is simply not possible to find any basis upon which the minimal two-year suspension could possibly be less than that.
- [8] In our view, on the basis of the offences we found and the evidence and submissions we heard tonight, a two-year suspension is indeed a minimal sentence for Ms. M's actions.
- [9] I will address briefly a couple of additional points which I think Ms. M did recognize in her evidence to us tonight. In a circumstance like this, it is particularly important that the core values of the University be protected and that there be not only some deterrence addressed specifically to Ms. M, but also an example given, so that the other students at the University will realize that when offences such as these are uncovered, there will be a penalty that is meaningful.

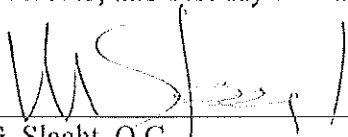
[10] For that reason we believe that the two-year suspension is an appropriate message to be given, not just to you, Ms. M , but to be published around the University that when uncovered, this conduct will result in a severe sanction.

[11] The other factor we would emphasize is that we did have a lot of evidence in this case about the procedures the University goes through in examination settings in order to prevent these occurrences. When, as happened here, perhaps by happenstance, those procedures result in the uncovering of events that we have found to offend the University's *Code*, it is important that a message be sent that there is a reason those procedures exist and there will be consequences if they are breached. For that reason as well we believe that a two-year suspension is a reasonable response to the facts of this case.

[12] We accept that these events have had a devastating effect, as you describe it, upon you. We acknowledge that, but you will have another chance. You will have to serve a period of suspension. Your right to attend and perhaps be enrolled in the University has not been taken away from you; it has been suspended. Particularly in view of the continued denial that you maintain about the unauthorized aid and the Notes, we simply are unable to give effect to any submission that would lessen the usual penalty in circumstances like this, which is at least a two-year penalty.

[13] For these reasons, then, we impose the penalty that the University has requested in this case.

Dated at Toronto, this 21st day of March, 2011.

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

Ronald G. Slaght, Q.C.
Chair