

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on February 11, 2015 and March 2, 2016
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:

UNIVERSITY OF TORONTO

- and -

R [REDACTED] D [REDACTED]

REASONS FOR DECISION

Hearing Date: August 11, 2016

Members of the Panel:

Ms. Johanna Braden, Barrister and Solicitor, Chair
Professor Bruno Magliocchetti, Faculty Panel Member
Mr. Sean McGowan, Student Panel Member

Appearances:

Ms. Tina Lie, Assistant Discipline Counsel, Paliare Roland, Barristers
Ms. Ejona Xega, Student-at-law, Downtown Legal Services

In Attendance:

Ms. Lucy Gaspini, Manager, Academic Integrity and Affairs, Office of the Dean, U of T, Mississauga
Mr. R [REDACTED] D [REDACTED], Student
Mr. H [REDACTED] D [REDACTED], the Student's brother
Ms. S [REDACTED] D [REDACTED], the Student's mother
Mr. D [REDACTED] D [REDACTED], the Student's father
Mr. Paul Michell, Observer, newly appointing Tribunal Co-Chair
Ms. Tracey Gameiro, Associate Director, Appeals, Discipline and Faculty Grievances

1. The Trial Division of the University Tribunal was convened on August 11, 2016, to consider charges brought by the University of Toronto (the "University") against Mr. R [REDACTED] D [REDACTED] (the "Student") under the *University of Toronto Code of Behaviour on Academic Matters, 1995* (the "Code").

The Charges and Particulars

2. There were two sets of Charges and Particulars alleged against the Student. The first set, filed February 11, 2015 (the "2015 Charges"), alleged as follows:

1. On or about November 29, 2012, you knowingly obtained unauthorized assistance in an in-class test in WGS200Y5 (the "Course"), contrary to section B.I.1(b) of the Code.
2. In the alternative, on or about November 29, 2012 you were a party to the offence of obtaining unauthorized assistance committed by R.S. in an in-class test in the Course, contrary to sections B.I.1(b) and B.II.1 of the Code.
3. In the further alternative, on or about November 29, 2012, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic advantage of any kind in connection with an in-class test in the Course, contrary to section B.I.3(b) of the Code.
4. On or about March 7, 2013, you knowingly represented as your own an idea or expression of an idea or work of another in an essay that you submitted in the Course, contrary to section B.I.1(d) of the Code.
5. In the alternative, on or about March 7, 2013, you knowingly obtained unauthorized assistance in connection with an essay that you submitted in the Course, contrary to section B.I.1(b) of the Code.
6. In the further alternative, on or about March 7, 2013, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic

advantage of any kind in connection with an essay that you submitted in the Course, contrary to section B.I.3(b) of the Code.

Particulars of the offences charged are as follows:

7. At all material times you were a student at the University of Toronto Mississauga. In Fall 2012 and Winter 2013, you enrolled in the Course, which was taught by Dr. Karen Ruffle.

(1) *The In-Class Test*

8. On November 29, 2012, you wrote an in-class test in the Course, which was worth 15% of your final grade in the Course (the "In-Class Test").

9. You knew that collaborating and/or communicating with other students during the In-Class Test was not permitted.

10. During the In-Class Test, you:

(a) obtained unauthorized assistance from Mr. S. by communicating with Mr. S. about the In-Class Test;

(b) communicated with Mr. S. about the In-Class Test for the purpose of aiding or assisting Mr. S. to obtain unauthorized assistance in the In-Class Test; and

(c) communicated with Mr. S. about the In-Class Test, thereby abetting, counseling, procuring or conspiring with Mr. S. to obtain unauthorized assistance in the In-Class Test.

11. You engaged in the foregoing conduct for the purpose of obtaining academic credit or academic advantage.

(2) *The Essay*

12. On March 7, 2013, you submitted an essay in the Course, which was worth 15% of your final grade in the Course (the "Essay").

13. You submitted the Essay:
- (a) to obtain academic credit;
 - (b) knowing that it contained verbatim or nearly verbatim text from online sources, including but not limited to the following URLs:
 - (i) <http://www.markfoster.net/struc/intersectionality-wiki.pdf>;
 - (ii) <http://www.torontolip.com/services/working-women-community-centre-services-immigrant-women-and-their-families>; and
 - (iii) <http://en.wikipedia.org/wiki/Homelessness>(the "Sources");
 - (c) knowing that it contained ideas or expressions of ideas which were not your own, but were the ideas or expressions of ideas of others, including the authors of the Sources; and
 - (d) knowing that you did not properly reference the ideas, the expression of ideas and the verbatim or nearly verbatim text that you drew from the Sources.
14. You knowingly obtained unauthorized assistance in connection with the Essay, including from the Sources.
15. You knowingly submitted the Essay with the intention that the University of Toronto Mississauga rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.

3. The second set of Charges and Particulars were filed on March 2, 2016 (the "2016 Charges") and were as follows.

On or about April 3, 2015, you knowingly represented as your own an idea or expression of an idea or work of another in an essay that you submitted in CCT314H5 (Representation in Language, Mind and Art) (the "Course"), contrary to section B.I.1(d) of the Code.

In the alternative, on or about April 3, 2015, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic advantage of any kind in connection with an essay that you submitted in the Course, contrary to section B.I.3(b) of the Code.

Particulars of the offences charged are as follows:

At all material times you were a student at the University of Toronto Mississauga. In Winter 2015, you enrolled in the Course, which was taught by Professor Anil Narine.

On or about April 3, 2015, you submitted an essay in the Course, which was worth 30% of your final grade in the Course (the "Essay").

You submitted the Essay:

- (a) to obtain academic credit;
- (b) knowing that it contained verbatim or nearly verbatim text from sources, including from "The Hidden Story of Partition and its Legacies" by Dr. Crispin Bates (http://www.bbc.co.uk/history/british/modern/partition1947_01.shtml) (the "Sources");
- (c) knowing that it contained ideas or expressions of ideas which were not your own, but were the ideas or expressions of ideas of others, including the authors of the Sources; and
- (d) knowing that you did not properly reference the ideas, the expression of ideas and the verbatim or nearly verbatim text that you drew from the Sources, including through the use of quotation marks.

You knowingly submitted the Essay with the intention that the University of Toronto Mississauga rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.

The Student's Plea

4. The Student was present and represented by a Student-at-Law from Downtown Legal Services. Of the 2015 Charges, the Student admitted Charge 1 and 4. Of the 2016 Charges, the Student admitted Charge 1. With the permission of the Tribunal, the University withdrew all other charges against the Student.

The Evidence

5. The evidence before the Tribunal was presented by an Agreed Statement of Facts, which is reproduced here without the documents referred to therein.

1. This matter arises out of charges of academic misconduct filed on February 11, 2015 (the "February 2015 Charges") and on March 2, 2016 ("March 2016 Charges" and, collectively with the February 2015 Charges, the "Charges") by the Provost of the University of Toronto (the "Provost") under the *Code of Behaviour on Academic Matters* ("Code"). The Provost and R [REDACTED] D [REDACTED] have prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The Provost and Mr. D [REDACTED] agree that:

- (a) each document contained in the JBD may be admitted into evidence for all purposes, including for the truth of the document's contents, without further need to prove the document; and
- (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

A. Charges and guilty plea

2. Mr. D [REDACTED] admits that he received a copy of the February 2015 Charges and a copy of the March 2016 Charges filed by the Provost, which are included in the JBD at Tabs 1 and 2, respectively.

3. Mr. D ■ admits that he received a copy of the notice of hearing in this matter and that he has received reasonable notice of this hearing. A copy of the notice of hearing is included in the JBD at Tab 3.

4. Mr. D ■ waives the reading of the Charges filed against him. He pleads guilty to charges #1 and #4 of the February 2015 Charges, and charge #1 of the March 2016 Charges.

5. The Provost agrees that if the Tribunal convicts Mr. D ■ on charges #1 and #4, the Provost will withdraw charges #2, #3, #5 and #6 of the February 2015 Charges. The Provost further agrees that if the Tribunal convicts Mr. D ■ on charge #1, the Provost will withdraw charge #2 of the March 2016 Charges.

6. At all material times, Mr. D ■ was a registered student at the University of Toronto Mississauga. A copy of Mr. D ■'s current academic record is included in the JBD at Tab 4.

B. WGS200

7. In Fall 2012 and Winter 2013, Mr. D ■ enrolled in WGS200Y5 (Theories in Women and Gender Studies) ("WGS200"), which was taught by Dr. Karen Ruffle.

8. A copy of the syllabus for WGS200 (the "WGS200 Syllabus") is included in the JBD at Tab 5. The WGS200 Syllabus included the following with respect to academic integrity (at pages 7 and 8):

Academic Integrity

For the university's Code of Behaviour on Academic Matters, please see the following website: <http://www.utoronto.ca/govcncl/pap/policies/behaveac.html/>

"Plagiarism is a very serious, punishable offence that can result in a failing grade for this course. All use of words or ideas from the published works of another individual or individuals must be properly acknowledged. Failure to do so constitutes plagiarism, a serious academic offence that will not be tolerated. Please note that changing a few words in text (s) from other writers does not make it your own. If you paraphrase, please give the name of the authors, dates of publication and page numbers. In general, you should use direct quotations and paraphrases sparingly." If there is uncertainty regarding what is plagiarism, or what are acceptable forms of citation and referencing, students should consult the instructor. Please see the following website for more information: <http://www.utoronto.ca/writing/plagsep.html/>

1. The In-Class Test

9. On November 29, 2012, students in WGS200 wrote an in-class test worth 15% (the "Test"). The Test was held in Davis Building, DV2074, which is the classroom in which the lectures in the course were held. A copy of a floor plan depicting DV2074 is included in the JBD at Tab 6.
10. Dr. Ruffle invigilated the Test. No aids were permitted during the Test and students were not permitted to speak with one another during the Test.
11. Mr. D█ attended the Test and sat next to another student, R. S. (with one seat in between them). During the Test, Mr. D█ and Mr. S. whispered to one another in an attempt to communicate with one another during the Test.
12. Near the end of the test, another student, S. S., asked to speak with Dr. Ruffle in the hall as she was handing in her test paper. Ms. Smith was seated in the row directly above Mr. S. and Mr. D█. In the hall, Ms. Smith advised Dr. Ruffle that the two students in front of her (whom Dr. Ruffle identified as Mr. S. and Mr. D█) were whispering throughout the test. Dr. Ruffle returned to the lecture hall, and spoke with Mr. S. and Mr. D█. Dr. Ruffle indicated that she would have to take their test papers because another student had heard them whispering. Dr. Ruffle confiscated Mr. S. and Mr. D█'s test papers and gave Mr. S. and Mr. D█ each a clean copy of the test to permit them to finish the Test.
13. At the end of the Test, Mr. S. and Mr. D█ each handed in a second copy of their test papers, containing their answers after Dr. Ruffle confiscated their original test papers.
14. A copy of the test that Dr. Ruffle confiscated from Mr. D█ when she spoke with him during the Test is included in the JBD at Tab 7. A copy of the test that Mr. D█ handed in (containing his answers after his original test paper was confiscated) is included in the JBD at Tab 8.
15. After the Test, on November 29, 2012, Dr. Ruffle spoke with Mr. D█ and Mr. S. about the allegation of academic misconduct in the Test.

2. The Intersectionality Essay

16. On March 8, 2013, Mr. D ■ submitted an essay entitled “intersectionality” in WGS200, which was worth 15% of his final grade (the “Intersectionality Essay”). Mr. D ■ submitted the Intersectionality Essay through Turnitin, a service that assesses the originality of texts using comparisons with documents contained in its database and online sources. The Turnitin report for the Intersectionality Essay revealed a 43% similarity index with other sources (the “Turnitin Report”). A copy of the Turnitin Report for the Intersectionality Essay is included in the JBD at Tab 9. A copy of the Intersectionality Essay is included in the JBD at Tab 10.

17. Upon seeing the Turnitin Report, Dr. Ruffle reviewed the Intersectionality Essay and determined that the Intersectionality Essay contained passages that were taken verbatim or nearly verbatim from several sources without appropriate attribution, including:

- (a) “Intersectionality”, which is found online at <http://www.markfoster.net/struc/intersectionality-wiki.pdf>, and which was not cited in the Intersectionality Essay. An excerpt of this document is included in the JBD at Tab 10A;
- (b) A presentation given by the Working Women Community Centre, which was cited in the Intersectionality Essay, but was not referenced appropriately including through the use of quotation marks. This document is included in the JBD at Tab 10B;
- (c) “Working Women Community Centre Services for Immigrant Women and their Families”, which is found online at <http://torontollp.com/services/working-women-community-centre-services-immigrant-women-and-their-families>, and which was not cited in the Intersectionality Essay. An excerpt of this document is included in the JBD at Tab 10C;
- (d) “Homelessness”, which is found online at <http://en.wikipedia.org/wiki/Homelessness>, and which was not cited in the Intersectionality Essay. An excerpt of this document is included in the JBD at Tab 10D; and
- (e) “Homelessness in Peel”, which is found online at <http://peelregion.ca/housing/initiativess-resources/programs/homelessness.htm>,

which was cited in the Intersectionality Essay, but was not referenced appropriately including through the use of quotation marks. This document is included in the JBD at Tab 10E

(collectively, the "Intersectionality Sources").

18. The copy of the Intersectionality Essay submitted by Mr. D█ at Tab 10 of the JBD includes comments in the margin from Dr. Ruffle, as well as highlighting to indicate the text that was taken verbatim or nearly verbatim from the Intersectionality Sources. The highlighting in the Intersectionality Essay at Tab 10 of the JBD corresponds to the highlighting contained in the Intersectionality Sources at Tabs 10A, 10B, 10C, 10D and 10E of the JBD.

3. Meeting with Dean's Designate re WGS200

19. On July 4, 2013, Mr. D█ met with Professor Emmanuel Nikiema, Dean's Designate for Academic Integrity to discuss the allegation of academic misconduct in WGS200. At the meeting, Mr. D█ denied committing the offence of unauthorized assistance in the Test, but pleaded guilty to the offence of plagiarism in respect of the Intersectionality Essay and signed an admission of guilt form, a copy of which is found in the JBD at Tab 11.

20. On January 14, 2015, Mr. S. pleaded guilty to the offence of unauthorized assistance in connection with the Test. A copy of the admission form signed by Mr. S., together with the letter referenced in the form, are included in the JBD at Tab 12. Mr. S. received an assigned final grade of 60 in WGS200 and a one-year annotation on his transcript.

C. CCT314

21. In Winter 2015, Mr. D█ enrolled in CCT314H5S (Representation in Language, Mind and Art Course Outline) ("CCT314"), which was taught by Professor Anil Narine.

22. A copy of the syllabus for CCT314 (the "CCT314 Syllabus") is included in the JBD at Tab 13. The CCT314 Syllabus included the following with respect to academic integrity (at page 3):

From the Code of Behaviour on Academic Matters:
"It shall be an offence for a student knowingly:

(d) to represent as one's own any idea or expression of an idea or work of another in any academic examination or term test or in connection with any other form of academic work, i.e. to commit plagiarism. Wherever in the Code an offence is described as depending on "knowing", the offence shall likewise be deemed to have been committed if the person ought reasonably to have known."

From the U of T Mississauga Academic Calendar: Honesty and fairness are considered fundamental to the University's mission, and, as a result, all those who violate those principles are dealt with as if they were damaging the integrity of the University itself. The University of Toronto treats academic offences very seriously. Students should note that copying, plagiarizing, or other forms of academic misconduct will not be tolerated. Any students caught engaging in such activities will be subject to academic discipline ranging from a mark of zero on the assignment, test or examination to dismissal from the University as outlined in the UTM calendar. Any student abetting or otherwise assisting in such misconduct will also be subject to academic penalties.

Students are assumed to be informed about plagiarism and are expected to read the handout, How Not to Plagiarize (<http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize>) written by Margaret Procter. It is a valuable and succinct source of information on the topic. You are also supposed to be familiar, and considered as being familiar, with the *Code of Behaviour on Academic Matters* (see UTM Calendar: Codes and Policies or <http://www.governingcouncil.utoronto.ca/policies/behaveac.htm>) and *Code of Student Conduct* (<http://www.governingcouncil.utoronto.ca/policies/studentc.htm>), which spell out your rights, your duties and provide all the details on grading regulations and academic offences at the University of Toronto. [Emphasis in original]

4. The Partition Essay

23. On April 3, 2015, Mr. D█ submitted an essay entitled "Unhealed Wounds - Partition of India, 1947" in CCT314, which was worth 30% of his final grade (the "Partition Essay"). A copy of the Partition Essay is included in the JBD at Tab 14.

24. Upon reviewing the Partition Essay, Professor Narine determined that it contained passages that were taken verbatim without appropriate attribution from "The Hidden Story of Partition and its Legacies", which is found online at http://www.bbc.co.uk/history/british/modern/partition1947_01.shtml. While this source was cited in the Partition Essay, Mr. D█ included a verbatim passage without using quotation marks or otherwise indicating that it was a direct quote. This source is included in the JBD at Tab 14A (the "Partition Source").

25. The copy of the Partition Essay submitted by Mr. D█ at Tab 10 of the JBD includes a note in the margin, as well as highlighting, to indicate the text that was taken verbatim from the

Partition Source. The highlighting in the Partition Essay at Tab 10 of the JBD corresponds to the highlighting contained in the Partition Source at Tab 10A of the JBD.

5. Meeting with Dean's Designate re CCT314

26. On January 20, 2016, Mr. D█ met with Professor Catherine Seguin, Dean's Designate for Academic Integrity to discuss the allegation of academic misconduct in CCT314. Mr. D█ attended the meeting with a representative of Downtown Legal Services. At the meeting, Mr. D█ indicated that he was not ready to make a plea in respect of the Partition Essay.

D. Admissions and Acknowledgements

27. Mr. D█ admits that he knowingly sought assistance from or sought to give assistance to Mr. S. during the Test, and that such assistance was unauthorized.

28. Mr. D█ admits that he knowingly:

- (a) included verbatim or nearly verbatim excerpts from the Intersectionality Sources in the Intersectionality Essay;
- (b) failed to attribute those verbatim or nearly verbatim excerpts appropriately using citations, quotation marks or other appropriate means;
- (c) represented in the Intersectionality Essay the ideas of another person, the expression of the ideas of another person, or the work of another person as his own; and
- (d) committed plagiarism, contrary to section B.I.1(d) of the *Code*.

29. Mr. D█ admits that he knowingly:

- (a) included verbatim excerpts from the Partition Source in the Partition Essay;
- (b) failed to attribute those verbatim excerpts appropriately using quotation marks or other appropriate means;
- (c) represented in the Partition Essay the ideas of another person, the expression of the ideas of another person, or the work of another person as his own; and

(d) committed plagiarism, contrary to section B.I.1(d) of the *Code*.

30. Mr. D ■ acknowledges that:

- (a) the Provost has advised Mr. D ■ of his right to obtain legal counsel and that he has done so; and
- (b) he is signing this ASF freely and voluntarily, knowing of the potential consequences he faces, and does so with the advice of counsel.

Decision of the Tribunal on the Charges

6. The onus is on the University to establish on the balance of probabilities, using clear and convincing evidence, that one or more of the academic offences charged has been committed by the Student.

7. In this case, the Student admitted to three of the Charges. The Tribunal was satisfied that the Student's admissions were voluntary, informed and unequivocal. Further, the evidence contained in the Agreed Statement of Facts and accompanying documents clearly proved the admitted Charges.

8. In light of the Tribunal's finding, Charges 2, 3 and 5 from the 2015 Charges, and Charge 2 from the 2016 Charges, were withdrawn by the University.

Evidence on Penalty

9. There was some additional evidence on penalty, also admitted by way of an Agreed Statement of Facts on Penalty. This evidence established that the Student had admitted to two previous incidents of plagiarism in connection with a course he took in the 2012 Winter term. He admitted to having used substantial passages from improperly attributed sources in two written assignments for that course, together worth a total of 25% of his course grade. On July 26, 2012, a sanction for those offences was imposed by the Vice-Dean Undergraduate at the University of Toronto-Mississauga. It consisted of a grade of zero for each of the two assignments; a further grade reduction of 10 marks from the Student's final

grade in the Course; and an annotation on the Student's transcript for 6 months, from July 20, 2012 to January 20, 2013.

10. In imposing that sanction, the Vice-Dean wrote:

I trust that you have had time to reflect on the seriousness of this incident and will not commit another academic offence. Please be advised that any subsequent allegations of offence are usually referred directly to the Tribunal for investigation. I urge you to do everything in your power to make a success of your academic career at the University of Toronto Mississauga.

Submissions on Penalty

11. There was a joint submission on penalty, in which both parties requested that the Tribunal make an order as follows:

- (a) a final grade of zero in the course WGS200Y5;
- (b) a final grade of zero in the course CCT314H5;
- (c) a suspension from the University of Toronto until May 31, 2019; and
- (d) a notation of the sanction on the Student's academic record and transcript from the day the Tribunal makes its order until graduation.

12. The parties also submitted that it would be appropriate for the Tribunal to report this case to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed in the University newspapers, with the name of the student withheld.

13. As to the length of the proposed suspension, the parties explained that the Student has enough credits to graduate. If the suspension ends May 31, 2019, he can graduate in June of that year. The parties also submitted that the Student was prepared to have this hearing and admit his guilt some months ago, but that the hearing date was delayed for institutional reasons unrelated to the Student.

Decision of the Tribunal on Penalty

14. The Tribunal considered the factors and principles relevant to sanction set out by this Tribunal in *University of Toronto and Mr. C* (Case No. 1976/77-3, November 5, 1976). The most significant factors for the Tribunal were as follows.

- (a) The character of the Student: the Student attended at the hearing and made admissions of misconduct. The admissions with respect to the Test were made somewhat late in the day, and only after another student – R.S. – admitted to his part in whispering with the Student and engaging in unauthorized assistance during the Test. Nonetheless, the Tribunal recognizes that by admitting his guilt the Student has spared the University and its witnesses the challenges of a contested hearing relating to events that began almost four years ago. The Student's representative at this hearing submitted that the Student is truly remorseful, and the Tribunal is prepared to accept those submissions.
- (b) The likelihood of a repetition of the offence: this was a very serious concern. The evidence in this case reveals the Student has a history of academic misconduct.
 - (i) On January 26, 2012, the Student submitted an assignment containing significant passages that he did not write nor properly attribute.
 - (ii) On February 16, 2012, the Student submitted a second assignment containing significant passages that he did not write nor properly attribute.
 - (iii) On July 26, 2012, the Student was sanctioned for his plagiarism and specifically warned to avoid further academic misconduct.
 - (iv) On November 29, 2012, the Student knowingly obtained unauthorized assistance from another student, R.S., during the Test.

- (v) On March 8, 2013, the Student submitted an essay that contained passages that he did not write nor properly attribute.
- (vi) Finally, on April 3, 2015, the Student submitted an essay that again contained passages that he did not write nor properly attribute.

The Tribunal is aware that the sanction imposed relates only to the final three incidents of misconduct. However, this pattern of behaviour cannot help but give rise to a concern that a significant penalty is required in order to ensure specific deterrence. The Student will apparently be graduating once the suspension is lifted. This would seem to be the Tribunal's last chance to impress upon the Student the importance of honesty and integrity.

- (c) The nature of the offence committed: while all academic dishonesty is serious, the Tribunal recognizes that the unauthorized assistance and the plagiarism in this case were not the most egregious examples of their kind. The number of offences is more worrying, as it suggests the Student may be unwilling or unable to abide by the University's Code of Conduct.
- (d) The need to deter others from committing similar offences: deliberate dishonesty must always be denounced and deterred, especially when it is part of a pattern as it is here. But for the vigilance of the student S.S., who reported the whispering during the Test, and the honesty of the student R.S., who admitted his part in it, the Student might never have been caught in obtaining unauthorized assistance during the Test. As to the plagiarism offences, it is clear that plagiarism continues to be a scourge on academia, and that a strong message is needed to ensure general deterrence.

15. In addition to the factors from the C. case, the Tribunal considered other cases of this Tribunal in similar circumstances. The University submitted a Book of Authorities including twelve cases from this Tribunal of offences involving unauthorized assistance during tests and plagiarism. No two cases are identical, and the Tribunal is not bound by past decisions. However, the Tribunal strives to develop a consistent body of case law so that students are treated fairly and equitably.

16. The cases submitted by the University suggest that a two-year suspension is a threshold penalty for plagiarism, and that a three year suspension is a “baseline” where there have been multiple offences: see, for example, *University of Toronto and S█████ A█████* (Case No. 591, May 13, 2011). Only two of the cases submitted by the University involved a sanction of less than three years.

(a) In *University of Toronto and S█████ R█████* (Case No. 708, June 6, 2014) a student obtained unauthorized assistance during a test, and had one prior offence of being in possession of a phone during an exam. That student did not participate in his hearing. The Tribunal imposed a suspension of two years and five months.

(b) In *University of Toronto and Y.W. and D.L.* (Case No. 04-05-08 / 04-05-09, May 31, 2005), two students were disciplined after admitting that they had colluded during an examination, in that Mr. L. had permitted Ms. W. to copy his answers. Following a joint submission on sanction, both students received a two year suspension.

17. The case before us has aggravating factors not present in the above two cases, particularly the number of charges and the Student’s history of misconduct. The facts of this case are more in line with cases where a three and even four year suspension was imposed.

18. However, this is not a case where the Tribunal is entirely free to fashion its own sanction. The Tribunal is aware of the value in respecting and deferring to joint submissions. While the Tribunal retains the discretion to reject joint submissions in appropriate cases, the fact that adversarial parties have been able to agree on the appropriate sanction is a good indication in and of itself that the appropriate balance of interests has occurred.

19. The joint submission in this case was at the very low end of the range, especially as the Student admitted three separate charges of misconduct and had two prior offences resolved at the decanal level. But for the University’s submission that there was a delay in setting the hearing date that cannot be attributed to the Student, the Tribunal would have

considered imposing a three-year suspension, rather than the proposed suspension, which works out to approximately 2 years and 8 months.

20. In all of the circumstances, and with regard to the factors identified in the C. case, the Tribunal is satisfied that the following Order is appropriate:

1. THAT the Student is guilty of one count of obtaining unauthorized assistance in an academic examination or term test or in connection with any other form of academic work, contrary to section B.I.1(b) of the *Code*;
2. THAT the Student is guilty of two counts of knowingly representing as his own the ideas or the expressions of the ideas or work of another in an academic examination or term test or in connection with any other form of academic work, contrary to section B.I.1.(d) of the *Code*;
3. THAT the following sanctions shall be imposed on the Student:
 - (a) a final grade of zero in the course WGS200Y5;
 - (b) a final grade of zero in the course CCT314H5;
 - (c) a suspension from the University of Toronto to commence on the day the Tribunal makes this order until May 31, 2019; and
 - (d) a notation of the sanction on the Student's academic record and transcript from the day the Tribunal makes its order until graduation; and
4. THAT this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the Student's name withheld.

Dated at Toronto this 10th day of November, 2016

A handwritten signature in black ink, appearing to read 'J. Braden', is written over a horizontal line.

Ms. Johanna Braden, Panel Chair