

IN THE MATTER OF THE DISCIPLINARY TRIBUNAL  
OF THE UNIVERSITY OF TORONTO

Ref: 1978/79-05

B E T W E E N :

THE UNIVERSITY OF TORONTO

Complainant

-and-

Ms. C.

Accused

Appearances:

For the University of Toronto, Kathryn Feldman  
For the Accused, Beverley Kogan

This appeal was argued before us on September 11, 1979 when our decision was reserved. It is an appeal from the sanctions imposed by the Jury after trial on the 8th day of May, 1979, wherein the Jury unanimously recommended that Ms. C. be expelled from the University and that this penalty be recorded in her academic record and be reported to the University community. In making its recommendation for expulsion from the University, the Jury gave the following reasons:

"We regard the repeated offence of plagiarism as very grave and highly detrimental to the standards of the University and to its students who fulfil their legitimate academic obligations. We feel the need for a strong deterrent in this

case and do not find any extenuating or mitigating circumstances."

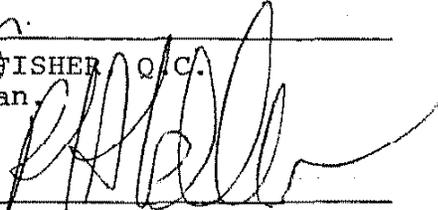
We have had drawn to our attention from the very able submissions made by counsel for Miss C. and for the University, the limited jurisprudence of the Tribunal, in particular, the Reasons for Decision in the cases of and . We have carefully considered those submissions and the criteria for sentencing set forth in these decisions.

In our view, the sanction imposed in this case is more severe than we think appropriate in the circumstances. In varying the sanction, we do not wish to minimize the seriousness of the offence nor to detract from the principle that a jury's decision ought not to be lightly tampered with. However, we are persuaded that the principles of sentencing outlined in the jurisprudence referred to above will be well served if the sanction in this instance is varied as set out below.

Mrs. Feldman on behalf of the University urged us to impose a lengthy suspension in the event that we deemed it appropriate to reduce the sanction. Ms. C. 's counsel did not disagree with that submission. We have given the matter our most careful attention and consider it appropriate to vary

the sanction from the recommended expulsion to a three (3) year suspension, effective January 1, 1979. Further, we are of the opinion that the student's transcript should record this conviction for the same period. We are also of the opinion that the variation in sanction should be reported to the University community in the appropriate manner.

  
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S. G. FISHER, Q.C.  
Chairman.

  
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JUDGE ROSIE ABELLA,  
Co-Chairman.

  
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D. S. AFFLECK,  
Co-Chairman.

Released: September 18, 1979.

**\*\*NOTE\*\***

An application was made in this case for an order under Section 67 of the Rules that the Appellant, Ms. C., be relieved of the costs of providing the transcript and that such costs be paid by the University on the grounds that the burden of paying for the transcript would be a hardship on Ms. C. and that the appeal is potentially meritorious. Ordinarily an application of this sort would be heard prior to the actual hearing of the appeal and

probably prior to the transcript being prepared. The application under Rule 67 was brought in a timely way by counsel for Ms. C. and adjourned by me until the appeal could be heard. In the interim, a partial transcript was prepared and was made available to the members of the Tribunal during the appeal. I have been advised that the cost of the transcript was \$151.90.

While the Tribunal has varied the sanction imposed by the Jury and to that extent, there has been some degree of success on this appeal, I am not persuaded that this is an appropriate case in which to make any award of costs and I therefore decline to do so.



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S. G. FISHER, Q.C.  
Chairman.

Released: September 18, 1979.