

FILE: 1980/81-4  
APPEAL

IN THE MATTER OF THE UNIVERSITY TRIBUNAL  
OF THE UNIVERSITY OF TORONTO  
(APPEAL DIVISION)

Trial: 79/80-1!

BETWEEN:

THE UNIVERSITY OF TORONTO

Complainant  
(Respondent)

-and-

Ms C.

Accused  
(Appellant)

APPEARANCES:

Martha Konig, for appellant, accused.

John Laskin, for respondent, complainant

BEFORE:

Messrs. K.D. Jaffary, S.G. Fisher, G.W. Hatley

R E A S O N S

Mr. Jaffary (Chairman)

The Appeal Division found this appeal to be a most difficult one to deal with.

Our decision was not unanimous.

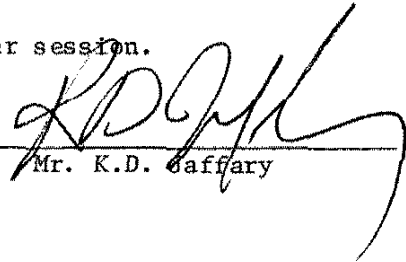
I am of the opinion that, while conscious of the jury decision that was rendered in the trial of the appellant's twin sister,<sup>1</sup> I cannot give any particular weight to that decision. That case is not before the appeal tribunal. In my opinion, Ms. C's appeal should be disposed of on its own facts. I consider this to be a case of serious plagiarism. The offence of plagiarism was committed on two separate occasions after an earlier warning. Under these circumstances I believe that a one year suspension from the University and a grade of zero in the course in question is warranted

<sup>1</sup>see 1979/80-16

and that a record of the academic offence be placed on Miss C.S transcript for the period of the suspension.

With regard to any confusion that may have been in the mind of the jury concerning the suspension period being served consecutively or concurrently with any academic suspension, it is my view that the period of suspension should commence from the end of the 1979/80 winter session through to the end of the 1980/81 winter session. In recommending that the period of suspension commence at the end of the 1979/80 winter session rather than from the date of the offence (February, 1980), it is my intention not to deprive the appellant of the academic standing earned in the other courses in which she was registered in the 1979/80 winter session.

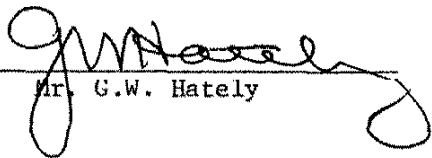
Dated 29/7/80

  
Mr. K.D. Jaffary

Mr. Hately

I agree with Mr. Jaffary's reasons.

Dated 31/7/80

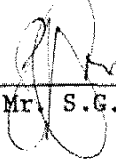
  
Mr. G.W. Hately

Mr. Fisher

I find that I must dissent from the result. I agree that the offences are serious. I agree that there should be uniformity of sentencing where there are appropriate previous cases to which to refer. I also agree with the observation that the jury may have been in a state of confusion in ordering that the period of suspension for academic misconduct should be served consecutive to some unrelated academic decision. However, I have great difficulty escaping the very real and humane fact that the appellant's twin sister was charged with the identical offence and received a different result, a substantially less severe result. That in itself distinguishes this case from others that have come before this appeal tribunal. I believe that if

Miss C.'s case and that of her twin sister had come before the same jury, there would have been the same result. In my opinion, the sanctions imposed by the trial jury should be amended to coincide with the sanctions imposed upon Miss C.'s twin sister.

Dated Aug 5/10

  
Mr. S.G. Fisher