



FILE: 1997/98-01

September 25, 1997

Via Registered Mail

Personal and Confidential

Ms C.

██████████
Markham, ON
██████████

Dear Ms C:

At its hearing held on September 9, 1997 the Trial Division of the University Tribunal considered the following charge against you:

On or about November 4, 1996 you did knowingly represent as your own an idea or expression of an idea, a work of another in connection with a form of academic work, namely, in an essay entitled Native Middlemen and the Idea of Economic Alliance in the Eighteenth Century Fur Trade submitted to fulfill course requirements in ECO 321Y, contrary to section B.I.1.(d) of the Code of Behaviour on Academic Matters, 1995. Pursuant to Section B of the Code you are deemed to have acted knowingly or you ought reasonably to have known that you represented as your own, an idea or expression of an idea or work of another.

In particular, in the Fall of 1996 you were a student in ECO 321Y. In or about November, 1996 you submitted an essay entitled Native Middlemen and the Idea of Economic Alliance in the Eighteenth Century Fur Trade which had been written by someone else.

The panel accepted your guilty plea and imposed the following sanctions:

- assignment of a grade of zero for ECO 321Y;
- suspension from the University until January 1, 1999;
- that the sanction of suspension be recorded on your academic record and transcript until January 1, 1999;
- that the decision and sanctions imposed be reported to the Vice-President and Provost for publication in the University newspapers, with your name withheld.

The panel gave the following reasons for its decision:

Plagiarism is one of the most serious crimes at the University. It strikes at the heart of the University community. It is unfair to the institution, it is unfair to the faculty, and it is unfair to the student peers who play, as Ms Rothstein has said, "by the rules." This is not the most serious form of plagiarism. It does not involve, for example, the premeditated purchase of a work for submission. But it is not far from the most serious form of plagiarism. This case did not merely involve the incorporation or one or two ideas or phrases into a work which was otherwise that of the student. But rather, it involved the conscious adoption of an entire essay and the representation of that complete document as Ms C's own. It is a very serious form of plagiarism.

By way of mitigation, Ms Maxwell argues on a number of bases, not the least of which is the fact that Ms C admitted her guilt at the earliest opportunity. It is to her credit that she did that. On the other hand, the question arises what alternative did she have? It was not a situation where she was in a position to explain away some similarities in her work; rather, it was a case where it was quite evident that plagiarism had occurred.

In terms of exacerbation of the form of misconduct, Ms Rothstein has asked the panel to infer that because Ms C had attempted to retype the document, she was attempting to deceive the University to an even greater extent. We are not satisfied that that was necessarily the reason for that behaviour. In any event, we feel that the original decision to plagiarize is really the fundamental aspect of this case. It was on that basis that we made our decision.

We have heard Ms C's evidence about her personal circumstances and we sympathize with her and with her situation. At the same time, we have to recognize that her situation, both at the time of this incident and now, is by no means exceptional or exceptionally severe in the University community. While she is ashamed and apologetic and sees this as a serious mistake on her part, we still do not have the sense even now that she shares the degree of abhorrence for her act that the University justifiably holds for this most fundamental form of academic misconduct.

We have discussed a variety of possible sanctions involving some form of flexibility and we have given serious consideration to a variety of alternatives. But in each of these discussions, we were concerned that these approaches paid too much attention to her individual circumstances and would not adequately reflect the need of the University to protect itself and the justifiable concerns of fellow students, many of whom labour under much more difficult circumstances. A penalty which facilitated the completion of Ms C' degree would, in our view, be unfair to others who work hard and honestly for theirs.

We have decided that the appropriate penalty is one of a significant suspension. The University counsel has asked us to impose a suspension of two years or more. In our view, that is too high. The cases that were provided to us which justify that level of suspension involved, in our view, more egregious circumstances than this one.

This may pose a substantial obstacle on Ms C's way to obtaining a degree from this University. No doubt it will. If Ms C really wants that degree, she will have to want it badly, badly enough to overcome that obstacle. While we sympathize with her situation, we felt that is how it should be.

The Tribunal is reporting the case to the Vice-President and Provost for publication in the University newspapers, with your name withheld.

Information concerning rights of appeal may be found in Section E of the Code of Behaviour on Academic Matters. The deadline for filing an appeal by you or by the University is October 24, 1997.

Yours sincerely,

Margaret McKone

Ms Margaret McKone
Acting Secretary
University Tribunal

cc: M. Hines, Chair
A. Sedra, Vice-President and Provost
P. Gooch, Vice-Provost
S. Bartkiw, Administrative Assistant, Arts and Science
A. Maxwell, Downtown Legal Services
L. Rothstein, Gowling, Strathy & Henderson