



FILE: 1999/00-04

Heard together with 1999/00-05

Appeal Denied: 2000/01-05

Judicial Review Dismissed – Court File 607/02, March 29, 2004

January 10, 2000

Via Registered Mail

Personal and Confidential

Mr. W.

[REDACTED], ON

Dear Mr. W:

At its hearing held on December 7, 1999, the Trial Division of the University Tribunal considered the following charges against you and Mr. K (see 1999/00-05):

1. In or about March 12, 1999, you did represent as your own any idea or expression of an idea or work of another in connection with the report entitled “The Required Process and Affects of Legislation over Pollutant Emissions in the Automotive Industry” submitted for academic credit in MIE415S, contrary to section B.I.1(d), of the University of Toronto’s Code of Behaviour on Academic Matters, 1995.
2. In or about March, 1999 you engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind, in that you committed plagiarism by representing as your own ideas or expression of ideas or work of another in “The Required Process and Affects of Legislation over Pollutant Emissions in the Automotive Industry” submitted for academic credit in March, 1999 in course MIE415S, contrary to section B.I.3(b) of the *Code*.

I am writing to confirm that the panel found you guilty of the first charge. The panel provided the following reasons for this decision:

The students ought to have known that the manner of presentation of their chapter suggested that a very significant portion of the chapter was original work and clearly it was not. We find that the acknowledgement on page 23 of the report suggests that the recommendations were original although based on analysis of others, in this case a technical subgroup. In fact, however, the recommendations were also those of the same consultants whose analysis was relied on. Further, the whole chapter is almost a

verbatim reproduction of the consultants' report. To no reader could this acknowledgement be taken to indicate that the whole chapter was such a reproduction, despite the footnote attached to it. The footnotes found later in the chapter, only in Mr. K.'s portion, did give some attribution to the consultants' report. These however were insufficient to disclose the extent and indeed the totality of the reliance on the consultants' report. In our view, the instructions and the advice given in the instructions early in the course clearly indicated that both extensive research and original analysis were required. We are of the view that these students ought to have known that a chapter so deficiently documented would be taken as their own work to a very considerable extent. Fourth year students ought to have known that the finding and reproduction of the consultants' report would not meet the requirements of the term project.

With respect to the procedural complaints made, we find that the procedure set out in the Code of Behaviour on Academic Matters, 1995 was not entirely complied with. It appears that the opportunity to meet with the instructor without the Chair, as set out in C.I.(a)2. was not provided. The Chair ought not to have been brought in until the later stage under C.I.(a)4. However, we find this defect did not put the students at any disadvantage. They ultimately were aware of the allegations and they had an opportunity to respond to them in the decanal procedures.

Given our findings on the first charge, it's not necessary to deal with the second.

Following deliberation with respect to sanctions, the panel partially accepted the recommendation of Discipline Council and imposed the following:

- that a grade of zero be assigned for the course (MIE415S);
- that the sanction imposed be recorded on your academic record and transcript for a period of two years; and
- that the case be reported to the Vice-President and Provost, who may publish a notice of the decision of the Tribunal and the sanctions imposed in the University newspapers, with your name withheld.

The panel indicated that it had given very serious deliberation to Discipline Counsel's request for a suspension of one year from today's date. However, it imposed the following:

- suspension from the time of the offence up to whatever date is appropriate (e.g. end of December or early January) to permit the students to re-enroll in the course January, 2000, if otherwise eligible.

The panel provided the following reasons for the sanctions imposed.

We would have been inclined to impose a one-year suspension from approximately the date of the offence, which would have been from the spring of 1999 to the spring of 2000, and permitted the students to enroll to redo the course in September, 2000. However, we appreciate that practically speaking, this is not possible because the course is not offered in the fall term. We understand that the course will be offered in January, 2000. We are, therefore, of the view that it would be fair in the circumstances in this case to impose the following sanction:

We note that this sanction is more lenient than we might have imposed had the course not been available only in January; however, we feel that the requirement to wait until the following January would in effect be almost a two-year suspension from the offence until graduation. We have taken into account that graduation in normal course has been precluded and that the course is not being offered in the fall term, the fact that the project was 20% of the course, and, finally, although it was totally inadequate, there was some attribution given. We are of the view that some acknowledgement has been given this evening with respect to the deficiencies of the work.

We emphasize that plagiarism must be viewed very seriously because it is an offence which runs counter to all the principles of learning and of trust that the University stands for. It really cannot be tolerated and we very much hope that the students appreciate the severity of their actions and that they are getting a second chance to complete their studies in accordance with University standards.

The Tribunal is reporting this 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 21 days from the date of this letter.

Yours sincerely,

Margaret McKone

Ms Margaret McKone
Acting Secretary
University Tribunal

Copies: J. Minor, Chair
A. Sedra, Vice-President and Provost
D. Cook, Vice-Provost
L. Harmer, Discipline Counsel
M. E. Charles, Dean, Faculty of Applied
Science and Engineering