

Members of the Panel:

Melanie L. Aitken, Co-Chair

Professor Ikuko Komuro-Lee, Faculty Member, Department of East Asian Studies

Joan Saary, Student Member, Graduate Studies: Institute of Medical Science

IN THE MATTER of the *University of Toronto Act, 1971, S.O. 1971, c.56, as amended;*

AND IN THE MATTER of the *University of Toronto Code of Behaviour on Academic Matters, 1995;*

AND IN THE MATTER of disciplinary charges against M.M.

Christopher Burr, for M. M.

Lily Harmer, Assistant Discipline Counsel for the University of Toronto

BACKGROUND

A hearing of the Trial Division of the University Tribunal was convened at 6:00 p.m. on Thursday, August 11, 2005, in Simcoe Hall, to consider the following three charges laid against M. M. under the *Code of Behaviour on Academic Matters, 1995* by Vice-President and Provost, Academic, Dr. Edith Hillan:

1. On or about April 2, 2004, you knowingly represented as your own, an idea or expression of an idea, and/or work of another in connection with a form of academic work, namely, “The Economic Policy of Islamic Economics”, an essay that you submitted to fulfill the course requirements of ECMC27H3S, contrary to Section B.1.1 (d) of the *Code of Behavior on Academic Matters, 1995* (“Code”). Pursuant to Section B of the *Code* you are deemed to have acted knowingly if you ought reasonably to have known that you represented as your own an idea or expression of an idea, and/or work of another in connection with a form of academic work.
2. On or about April 2, 2004, you knowingly submitted an academic work containing a purported statement of fact or reference to a source which had been concocted, namely, in sources footnoted in “The Economic Policy of Islamic Economics,” submitted to fulfill course requirements in ECMC27H3S, contrary to Section B.I.1.(f) of the *Code*. Pursuant to Section B of the *Code* you are deemed to have acted knowingly if you ought reasonably to have known that the academic work contained a purported statement of fact or reference to a source which has been concocted.

3. In the alternative, on or about April 2, 2004, you knowingly 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 "The Economic Policy of Islamic Economics," an essay submitted to fulfill course requirements in ECMC27H3S, contrary to Section B.1.3 (b) of the *Code*. Pursuant to Section B of the *Code* you are deemed to have committed the offence knowingly if you ought reasonably to have known that you engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind.

The particulars of the Charges were as follows:

1. At all material times you were a student in ECMC27H3S taught by Professor I. Parker during the winter term of 2004.
2. You did not write portions of and/or did not properly cite secondary sources used in the essay entitled "The Economic Policy of Islam Economics" submitted in your name on or about April 2, 2004.
3. Some or all of the citations and references used by you in that essay were falsified and/or concocted.

At the commencement of the hearing, Ms. M., through her agent, Christopher Burr, pled guilty to the first two charges, and the University withdrew the third alternative charge.

The parties submitted an Agreed Summary of Facts, the most salient details of which are summarized as follows:

- Ms. M. is a third year student. In the winter session 2004, she was enrolled in ECMC 27H35, Classics in the History of Economic Thought, a half-credit course worth 0.5 credits.
- On April 12, 2004, Ms. M. submitted an essay entitled "The Economic Policy of Islamic Economics" to Professor I. Parker, the course instructor. The essay was worth 25% of her final grade in the course.
- A substantial portion of the essay submitted by Ms. M. was not written by her, but was instead reproduced by her either (a) without any attribution; (b) with attribution, but no quotation marks around the impugned passages; or (c) with attributions which were incorrect.

Following extensive submissions from counsel to the University, during which she led the Panel through the Agreed Summary of Facts and, in particular, the impugned passages of the essay, and following submissions from the student agent representing Ms. M., wherein he communicated Ms. M.'s acceptance of the University's presentation of the facts, the Panel accepted Ms. M.'s plea and entered a verdict of guilty.

The parties then submitted an Agreed Summary of Facts with respect to the sanction that they jointly recommended. The joint recommendation was as follows:

1. A grade of zero in the course ECMC27H3S, Classics in the History of Economic Thought for the 2004 Winter academic session;
2. Suspension from the University for a period of three (3) years from August 12, 2005 to August 11, 2008;
3. This sanction shall be recorded on the student's academic record and transcript for five (5) years from August 12, 2005 to August 11, 2010; and
4. The case should be reported to the Provost to publish 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.

In support of the recommended sanction, the parties jointly put forward two factors that can be summarized as follows:

- Ms. M. has cooperated with the prosecution before the Tribunal and acknowledged her guilt; and
- The recommended sentence is consistent with decisions in prior University Tribunal decisions.

In addition, the University, with reference to the goals of reformation, deterrence and protection, and the sentencing factors in the oft-cited decision of the University Tribunal in *In The Matter Of the University of Toronto Code of Behaviour and an Appeal by Mr. C. (1976/7-03)* ("Chelin"), urged the Panel to recognize the two following facts:

1. As to character, likelihood of a future offence and deterrence, Ms. M. has two prior convictions for plagiarism. While the second conviction related to a paper submitted in the same term as the one in issue on these charges, the University classified the current charge as a "third offence";
2. As to the nature of the offence, the conduct could not fairly be characterized as "mere sloppiness". Counsel for the University invited the Panel to infer from the "minimally adapted" nature of the impugned passages that there had been a manipulative intent on the part of Ms. M., rather than perhaps a naïve and ineffective attempt to paraphrase. Counsel urged the Panel to focus in particular on the numerous instances in which sources were "concocted" in that the passage for which a source was recorded did not appear in that source. Further, counsel emphasized that plagiarism and, in particular, plagiarism using Internet sources, is a serious problem going to the heart of the academic endeavour and is one which must be taken seriously.

Mr. Burr, for Ms. M., emphasized that:

1. This was, in effect, a second offence, given that the second charge and conviction had not been effected until after the paper in issue was submitted;
2. Ms. M.'s conduct was more in the nature of sloppiness and he submitted, on Ms. M.'s behalf, that she was under time pressure and suffering from personal stress at the time; and
3. Ms. M.'s cooperation and acceptance of responsibility at the Dean's level in each of the two cases preceding this one, and in this case, should be accepted as reflecting some remorse on her part.

REASONS FOR SANCTION (Delivered Orally)

We have, as a Panel, carefully considered the submissions of counsel for the University, and agent for the accused student, Ms. M.. In the course of our deliberations as to whether the jointly recommended sanction was appropriate, we were guided by the principles and factors identified by The Honourable J. Sopinka in the *Chelin* decision.

The Panel acknowledges the significance of the fact that Ms. M. has cooperated with the University with respect to these and other charges throughout, and has pleaded guilty this evening. Further, the fact that the recommendations as to sanction were joint is significant. Finally, we recognize that, notwithstanding each case must be considered on its own unique facts, the proposed sanction appears to be within the range of sentences that have been imposed in previous cases with somewhat similar facts, and appears to properly account for the gravity and nature of the offence, particularly in light of Ms. M.'s prior academic misconduct.

For these reasons, subject to one modification we will make in a moment with respect to paragraph 3 of the Joint Recommendation on Sentence, we as a Panel accept and impose the sanctions set out in paragraphs 1 through 4 of the Joint Recommendation.

The modification is as follows. The Panel felt that a five-year notation on Ms. M.'s University of Toronto academic record is acceptable. However, we felt that, while a five-year notation on her transcript was not inappropriate, on its own, extending that notation beyond graduation, should Ms. M. do so within five years (following her three-year suspension), was not justified. We could not identify sufficient specific or, for that matter, general deterrence, related to such a sanction to warrant it. In our view, should the University, in Ms. M.'s case at least, determine to graduate Ms. M., upon a return to the institution in three (or more) years and her successful completion of the few further credits she requires to graduate, there is little to be gained by continuing a notation on her transcript, which could, of course, be needed by her to obtain employment and/or to pursue further studies at another institution. While we feel the University has an interest in itself being able to access the information in the notation for a period of five years, irrespective of a matriculation to further the interest of "protection", we do not accept that, notwithstanding the University of Toronto's important role in the community at large, there is enough to be gained by way of deterrence or reformation to justify it.

Accordingly, the Panel imposes the following sanction with respect to notation:

This sanction shall be recorded on the student's academic record for five (5) years from August 12, 2005; and this sanction shall be recorded on the student's transcript for five (5) years from August 12, 2005 **OR** graduation, whichever is first.