

UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION

IN THE MATTER of charges of academic dishonesty made on December 6, 2010

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

AND IN THE MATTER OF the *University of Toronto Act, 1971*, S.O. 1971, c. 56 as amended
S.O. 1978, c. 88

B E T W E E N:

UNIVERSITY OF TORONTO (the "University")

- AND -

S A (the "Student")

Hearing Date: March 22, 2011

Panel Members:

Ms. Roslyn M. Tsao, Barrister and Solicitor, Chair

Professor Markus Bussmann, Associate Professor, Mechanical Engineering, Associate Chair of
Graduate Studies, Faculty Panel Member

Ms. Melvin Sert, Student Panel Member

Appearances:

Mr. Robert A. Centa, Assistant Discipline Counsel, Paliare Roland Barristers

Ms. Nadia Meli, Legal Case Worker, Downtown Legal Services

In Attendance:

Ms. S A , the Student

Ms. Lucy Gaspini, Academic Affairs Officer, University of Toronto Mississauga

Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

1. The Trial division of the Tribunal heard this matter on March 22, 2011. The Student was charged on December 6, 2010 as follows:

1. On or about March 8, 2010, you knowingly represented as your own, an idea or expression of an idea or work of another in connection with an essay that you submitted to fulfill the course requirements of POL214Y5Y, contrary to section B.I.1.(d) of the Code.

2. On or about March 8, 2010, you altered a document required by the University, and uttered, circulated and made use of that altered document, in the form of an essay that you submitted for credit in POL214Y5Y, contrary to section B.I.1.(a) of the Code.

3. On or about March 8, 2010, you submitted an essay to fulfill the course requirements of POL214Y5Y which contained a purported statement of fact or reference to a source which has been concocted, contrary to section B.I.1.(f) of the Code.

4. On or about March 8, 2010, 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 connection with an essay submitted to fulfill course requirements in POL214Y5Y, contrary to section B.I.3.(b) of the Code.

5. On or about March 31, 2010, you knowingly represented as your own, an idea or expression of an idea or work of another in connection with an essay submitted in ENG271H5S, contrary to section B.I.1.(d) of the Code.

6. On or about March 31, 2010, you altered a document required by the University, and uttered, circulated and made use of that altered document, in the form of an essay that you submitted for credit in ENG271H5S, contrary to section B.I.1.(a) of the Code.

7. On or about March 31, 2010, 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 connection with an essay submitted to fulfill course requirements in ENG271H5S, contrary to section B.I.3.(b) of the Code.
2. The Student attended at the Hearing and entered a plea of guilty to Charges 1., 2., 3., 5., and 6.. The University withdrew Charges 4. and 7..

Facts of the Case

3. As a preliminary matter, Tribunal Member Sert indicated that she recognized the Student from the Mississauga campus but had no direct knowledge nor had had any direct contact with the Student. Neither the University nor the Student had any objection to Ms. Sert hearing this matter.
4. The University and Student submitted an Agreed Statement of Facts ("ASF"), Appendix A.

Decision of the Tribunal

5. Based on the foregoing admitted facts, the Tribunal accepts the plea of guilty from the Student for Charges 1, 2, 3, 5. and 6.
6. It is noted by the Tribunal that the guilty pleas to Charges 2. and 6. relating to section B.I.1.(a) of the *Code*¹ are accepted based on the following agreed facts:
- (a) Students were required to submit electronic versions of course essays to Turnitin.com for detection of possible plagiarism²;

¹ B.I.1. It shall be an offence for a student knowingly:

(a) to forge or in any other way alter or falsify any document or evidence required by the University, or to utter, circulate or make use of any such forged, altered or falsified document, whether the record be in print or electronic form; ... (emphasis added)

² Paragraph 8 of ASF

- (b) The Student submitted an electronic version of the 2 essays in question to Turnitin.com...At the time she submitted them, the Student knew that the electronic version of the essay was not identical to the essay submitted for grading³; and
- (c) The Student admitted that she knowingly submitted the electronic version of the 2 essays in question to Turnitin.com knowing that they were different from the version submitted for grading to **disguise the fact that she committed plagiarism⁴**.

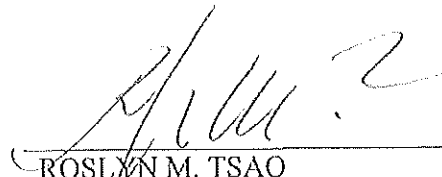
Penalty

- 7. The Student and University submitted a Joint Submission on Penalty ("JSP"), Appendix B.
- 8. In light of the facts of this case, the admission of guilt by the Student and the joint submission regarding penalty, the Tribunal accepts the JSP and imposes the following penalties:
 - 1) You shall receive a final grade of zero (0) in the courses:
POL214Y: Introduction to Canadian Government and Politics; and,
ENG271H: Diasporic Literatures of Toronto;
 - 2) You shall be suspended from the University from May 1, 2011 to April 30, 2015;
 - 3) A notation shall be recorded on your academic record and transcript until the earlier of your graduation from the University of Toronto, or August 30, 2020; and,
- 9. The Tribunal shall report this decision to the Provost for publication of a Notice of this decision and the sanction in the University newspaper, with the Student's name withheld.
- 10. An Order with the penalty was signed by the Tribunal at the hearing.

³ Paragraphs 10 and 18 of ASF.

⁴ Paragraphs 13(d) and 21(c) of ASF

Dated at Toronto, this 29th day of April, 2011.



ROSLYN M. TSAO
Co-Chair

APPENDIX A

THE UNIVERSITY TRIBUNAL OF THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on December 6, 2010,

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

AND IN THE MATTER OF the *University of Toronto Act*, 1971, S.O. 1971, c. 56 as amended
S.O. 1978, c. 88

BETWEEN:

THE UNIVERSITY OF TORONTO

– AND –

S A ()

AGREED STATEMENT OF FACTS

1. This hearing arises out of charges of academic misconduct filed by the Provost of the University of Toronto (the "Provost") under the *Code of Behaviour on Academic Matters* ("Code"). For the purpose of this hearing, the Provost and S A ("Ms. A ") have prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The Provost and Ms. A agree that:

- (a) each document contained in the JBD may be admitted into evidence at the Tribunal for all purposes, including for the truth of the document's contents, without further need to prove the document; and
- (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

2. Ms. A admits that she received a notice of hearing for March 22, 2011. She acknowledges that she received reasonable notice of the hearing. The notice of hearing is included in the JBD at Tab 1.

A. Charges and guilty plea

3. Ms. A admits that she received a copy of the charges filed by the Provost. The charges are included in the JBD at Tab 2.
4. Ms. A waives the reading of the charges filed against her, and pleads guilty to all charges.
5. The Provost agrees that if the Tribunal convicts Ms. A :
 - (a) on each of charges 1 to 3, the Provost will withdraw charge 4; and
 - (b) on each of charges 5 and 6, the Provost will withdraw charge 7.
6. At all material times, Ms. A was a registered student at the University of Toronto. A copy of Ms. A 's academic record is included in the JBD at Tab 3.

B. POL 214

7. In 2009-2010, Ms. A enrolled in POL 214 – Canadian Government and Politics, which was taught by Prof. David Pond ("Politics Course"). Jerald Sabin was one of a number of teaching assistants for the Course. Ms. A was assigned to Mr. Sabin's tutorial group.
8. A copy of the syllabus for the Politics Course ("Syllabus") is included in the JBD at Tab 4. Ms. A admits that she received a copy of the Syllabus. The Syllabus stated, in part, as follows:

Turnitin.com:

Normally, students will be required to submit their course essays to Turnitin.com for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the Turnitin.com reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of the Turnitin.com service are described on the Turnitin.com web site.

Plagiarism:

Plagiarism is cheating. It is considered a serious offence against intellectual honesty and intellectual property. Penalties for an undergraduate can be severe. At a minimum, a student is likely to receive a "0" mark for the assignment or test in question. But a further penalty is often assessed, such as a further reduction from the course mark or placing a permanent notation of the incident on an academic record.

It is essential that you understand what plagiarism is and that you do not commit it. In essence, it is the theft of the thoughts or words of others, without giving proper credit. You must put others' words in quotation marks and cite your source(s). You must give citations when using others' ideas, even if those ideas are paraphrased in your own words. Plagiarism is unacceptable in a university.

The University of Toronto provides a process that faculty members must initiate when they suspect a case of plagiarism. A faculty member may not mark an assignment or assess a penalty if he or she finds evidence of plagiarism – the matter must be reported. The Chairman, or Dean, will assess the penalty.

The following are some examples of plagiarism:

- Submitting as your own an assignment written by someone else.
- Quoting an author without indicating the source of the words.
- Using words, sentences, or paragraphs written by someone else and failing to place quotation marks around the material and reference the source and author. Using either quotation marks or reference alone is not sufficient. Both must be used!
- Adapting an author's ideas or theme and using it as your own without referencing the original source.
- Seeking assistance from a friend or family member in respect to work you claim as your own.

If you are not sure whether you have committed plagiarism, it is better to ask a faculty member than risk discovery and be forced to accept an academic penalty.

It is important that you familiarize yourself with UTM's policies and procedures. Consult:

- "Students Rights and Rules"
(www.students.utoronto.ca/The_Basics/Rights_and_Rules.htm);
- "Academic Honesty" (www.utm.utoronto.ca/regcal/WEBGEN88.html);
- UTM Library's web page on plagiarism
(www.utm.utoronto.ca/library/instructions/researchwriting.html).
- Students should also read carefully the material at
www.utoronto.ca/writing/plagsep.html.

Handing in Your Essays:

...

At the same time as you hand in a paper copy of your essay directly, you are required to upload your essay to TurnItIn.com. The program automatically records the date you do this. Therefore, if for some reason you are unable to hand in your essay directly on the due date, uploading it to TurnItIn on the due date protects you from a late penalty.

Remember, the version of your essay you mount on TurnItIn.com and the paper version you hand in directly must be exactly the same. If you created your essay in separate files on your computer, make sure you merge them into a single file before uploading your essay to TurnItIn.com. Upload your essay in 'doc' format, not 'txt'.

9. The academic requirements for the Politics Course included an essay that was due on March 8, 2010. On that day, Ms. A submitted an essay titled "Familiar Faces: Women at the House of Commons" in partial completion of the Politics Course requirements ("Politics Essay"). A copy of the Politics Essay is included in the JBD at Tab 5.

10. Ms. A submitted an electronic version of the Politics Essay to Turnitin.com (the "Electronic Politics Essay"). A copy of the Electronic Politics Essay is included in the JBD at Tab 6. At the time she submitted it, Ms. A knew that the Electronic Politics Essay was not identical to the Politics Essay.

11. The Turnitin.com Originality Report reflected a similarity index of 64%. A copy of the Turnitin.com Originality Report is included in the JBD at Tab 7.

12. Mr. Sabin graded the Politics Essay and noted that several of the passages were reproduced verbatim or nearly verbatim from secondary sources, some of which were not listed in the Politics Essay's endnotes. In addition, several passages were not identified through the use of quotation marks or any other method of indicating that they were verbatim or nearly verbatim quotes.

13. Ms. A admits that she knowingly:

- (a) represented in the Politics Essay the ideas of another person, the expression of the ideas of another person, and the work of another person as her own;

- (b) included in the Politics Essay concocted references to various secondary sources in an attempt to disguise the fact that she had committed plagiarism contrary to section B.I.1(f) of the *Code*;
- (c) committed plagiarism in the Politics Essay contrary to section B.I.1(d) of the *Code*;
- (d) submitted the Electronic Politics Essay to Turnitin.com knowing that it was different than the Politics Essay and did so to disguise the fact that she committed plagiarism contrary to section B.I.1(c) of the *Code*;
- (e) submitted two different versions of the Politics Essay knowing that she was required to submit the same version; and
- (f) engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.I.3(b) of the *Code*.

C. ENG 271 H

14. In Spring 2010, Ms. A enrolled in ENG 271 – Diasporic Literatures of Toronto, which was taught by Dr. Tyler Evans-Tokaryk ("English Course").

15. A copy of the syllabus for the English Course ("Syllabus") is included in the JBD at Tab 8. Ms. A admits that she received a copy of the Syllabus. The Syllabus stated, in part, as follows:

Academic Integrity: Plagiarism is a serious academic offense and will not be tolerated. We will be dedicating time in class to the issue of plagiarism and how to avoid it. In the course of writing your essays, you are encouraged to discuss this matter with me if you are unsure of how to avoid plagiarizing other people's work.

In an effort to prevent plagiarism and promote academic integrity, this course will use the services provided by Turnitin.com. All major assignments will be submitted electronically through the Turnitin.com website AND in hard copy, to the instructor. The license agreement between Turnitin.com and the University of Toronto requires that the following statement be included on your course

syllabus. All students registered in this class should read and carefully consider the following:

"Students agree that by taking this course all required papers may be subject to submission for textual similarity review to Turnitin.com for the detection of plagiarism. All submitted papers will be included as source documents in the Turnitin.com reference database solely for the purpose of detecting plagiarism of such papers. The terms that apply to the University's use of the Turnitin.com service are described on the Turnitin.com website."

Turnitin.com requires that all students set up User Profiles before using the service. We will go through this process in class well before the due date for your first assignment. The relevant information (Class ID and Password) will be posted on Blackboard.

Students should be familiar with the university's policies on plagiarism in Section B of the "University of Toronto Code of Behaviour on Academic Matters" (available at <http://www.utoronto.ca/govcncl/pap/policies/behaveac.html>). Students should also consult the University's document "How Not to Plagiarize" (available at <http://www.utoronto.ca/writing/plagsep.html>).

16. In addition, Dr. Evans-Tokaryk gave a 40-minute workshop on plagiarism to his class the week before the term papers were to be handed in. A copy of the Microsoft PowerPoint slides used by Dr. Evans-Tokaryk during his presentation are included in the JBD at Tab 9.

17. The academic requirements for the English Course included a term paper that was due on March 24, 2010. On that day, Ms. A submitted an essay titled "A Place of My Own: A Study of Dionne Brand's "What We All Long For"" in partial completion of the Course requirements ("English Essay"). A copy of the English Essay is included in the JBD at Tab 10.

18. Ms. A submitted an electronic version of the English Essay to Turnitin.com (the "Electronic English Essay"). A copy of the Electronic English Essay is included in the JBD at Tab 11. At the time she submitted it, Ms. A knew that the Electronic English Essay was not identical to the English Essay.

19. The Turnitin.com Originality Report for the Electronic English Essay reflected a similarity index of 40%. A copy of the Turnitin.com Originality Report is included in the JBD at Tab 12.

20. Mr. Sabin graded the English Essay and noted that several of the passages were reproduced verbatim or nearly verbatim from secondary sources, some of which were not listed

in the English Essay's endnotes. In addition, several passages were not identified through the use of quotation marks or any other method of indicating that they were verbatim or nearly verbatim quotes.

21. Ms. A admits that she knowingly:

- (a) represented in the English Essay the ideas of another person, the expression of the ideas of another person, and the work of another person as her own;
- (b) committed plagiarism in the English Essay contrary to section B.I.1(d) of the *Code*;
- (c) submitted the Electronic English Essay to Turnitin.com knowing that it was different than the English Essay and did so to disguise the fact that she committed plagiarism contrary to section B.I.1(a) of the *Code*;
- (d) submitted two different versions of the English Essay knowing that she was required to submit the same version; and
- (e) engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.I.3(b) of the *Code*.

D. The meeting with the Dean's Designate

22. On August 11, 2011, Ms. A met with Prof. Scott Graham, Dean's Designate for Academic Integrity, to discuss the two offences. Ms. A acknowledges that Prof. Graham provided her with the cautions required by the *Code of Behaviour on Academic Matters*.

23. Ms. A admitted that she had committed plagiarism in the two essays.

E. Acknowledgments

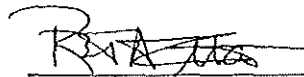
24. Ms. A acknowledges that:

- (a) the Provost of the University of Toronto has advised Ms. A of her right to obtain legal counsel and that Ms. A has done so; and
- (b) she is signing this ASF freely and voluntarily, knowing of the potential consequences she faces, and does so with the advice of counsel.

Signed on March 17th, 2011.

S A

Signed on March 22, 2011.



Robert A. Centa
Assistant Discipline Counsel
University of Toronto

NO. 1

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO
AND

MS. S. 1. A. ...
This Exhibit is produced by
the ... UNIVERSITY ...
this 22 day of MARCH, 2011...
Datta

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on December 6, 2010,

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

AND IN THE MATTER OF the *University of Toronto Act, 1971*, S.O. 1971, c. 56 as amended
S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

– AND –

S A ()

JOINT SUBMISSION ON PENALTY

1. For the purposes of the sanction phase of this hearing under the *Code of Behaviour on Academic Matters* ("Code"), the University of Toronto (the "University") and S A ("Ms. A ") have prepared this Joint Submission on Penalty.

2. The Provost and Ms. A submit that the appropriate penalty in all the circumstances of the case is that the University Tribunal impose the following sanctions on Ms. A :

(a) a final grade of zero in each of the following courses:

(i) POL 214; and

(ii) ENG 271;

(b) a suspension from the University from May 1, 2011, until April 30, 2015;

- (c) a notation of the sanction on her academic record and transcript from the date of the Order until the earlier of her graduation from the University or August 30, 2020;

3. The parties agree that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanction imposed in the University newspapers, with the name of the student withheld.

A. Agreed facts submitted in support of the Joint Submission on Penalty

4. For the purposes of the sanction phase of this hearing, the Provost and Ms. A have agreed on certain additional facts that may be considered by the Tribunal in connection with the Joint Submission on Penalty. They further agree that:

- (a) each document attached to the JSP may be admitted into evidence at the Tribunal for all purposes, including to prove the truth of the document's contents, without further need to prove the document; and
- (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

5. On March 9, 2009, Ms. A submitted an assignment for academic credit in FRE 180, which was worth 7% of the final grade. Ms. A admitted that she committed plagiarism in that assignment, contrary to section B.1.1(d) of the *Code of Behaviour on Academic Matters*.

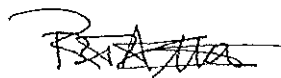
6. On September 30, 2009, Professor Michael Lord, Acting Chair of the Department of Language Studies at the University of Toronto Mississauga advised Ms. A that she would receive a mark of zero on the assignment in question as a penalty having committed the academic offence. A copy of that letter is attached to this JSP at Tab 1.

7. Ms. A acknowledges that she has signed this JSP freely and voluntarily, knowing of the potential consequences she faces, and after she obtained legal advice.

Signed on March 17th, 2011.

S A

Signed on March 22, 2011.



Robert A. Centa
Assistant Discipline Counsel
University of Toronto

NO. 3

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO
AND

.....S.....D.....
This Exhibit is produced by

the ...UNIVERSITY...
this 22 day of MARCH, 2011...

.....*[Signature]*.....



Language Studies
UNIVERSITY OF TORONTO
MISSISSAUGA

COPY

September 30, 2009

PERSONAL AND CONFIDENTIAL

S A
Student # 9

Dear Ms. A :

This letter is to advise you that I have reviewed Prof. Pascal Michelucci's report regarding the assignment you submitted for credit in FRE180Y5Y on March 9, 2009. In your interview with Prof. Michelucci you admitted that you were guilty of plagiarism in the assignment which you submitted. Under section C.I.(a) 8 of the University's Code of Behaviour on Academic Matters, the following sanction was imposed:

- a mark of zero (0) for the assignment in question.

I understand that first-year students often take a little time to adjust to the more stringent standards of documentation in written assignments characteristic of university-level courses. In the future, I strongly encourage you to take the time to diligently review your assignments and acknowledge sources prior to submitting them for grading. If you require expert guidance on this subject, I would advise you to make an appointment with one of the experts in the Robert Gillespie Academic Skills Centre (905-828-3858).

I trust that you have had time to reflect on the seriousness of this incident and will not commit another academic offence again.

Yours sincerely,

Professor Michel Lord
Acting Chair, Department of Language Studies

cc. P. Michelucci
Office of the Dean