

UNIVERSITY OF TORONTO
University Tribunal

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 Ms. Z. B.

Members of the panel:

- Kirby Chown, Co-Chair
- James Rini, Faculty Panel Member
- Adrian Asselin, Student Panel Member

Appearances:

- Lily I. Harmer, Assistant Discipline Counsel, for the University
- Joy Anne Cohen, Counsel for the Student

BACKGROUND

- [1] The Trial Division of the University Tribunal was convened on September 4, 2007 to consider charges brought under the *Code of Behaviour on Academic Matters, 1995* laid against Ms. Z. B. by letter dated December 5, 2006 from the Vice President and Provost, Academic, Professor Edith Hillan.
- [2] The letter contained the following charges:
1. On or about April 27, 2006, you knowingly represented as your own an idea or expression of an idea or work of another in connection with your take-home final examination submitted for academic credit in BIO332Y, contrary to Section B.1.1(d) of the *Code*;
 2. On or about April 27, 2006, you knowingly submitted your take-home final examination containing a purported statement of fact or reference to a source which has been concocted, contrary to Section B.1.1(f) of the *Code*;
 3. In the alternative, on or about April 27, 2006, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code* in order to obtain academic credit or other academic advantage or other academic advantage of any kind, in connection with your take-home final examination submitted for academic credit in BIO332Y, contrary to Section B.1.3.(b) of the *Code*;
 4. On or about January 30, 2006, you knowingly represented as your own an idea or expression of an idea or work of another in connection with your essay entitled "Review: Detection of a Human Influence on North American Climate" submitted for academic credit in GGR377H5S, contrary to Section B.1.1(d) of the *Code*; and

5. In the alternative, on or about January 30, 2006 you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic advantage of any kind, in connection with your essay entitled "Review: Detection of a Human Influence on North American Climate" submitted for academic credit in GGR377H5S, contrary to Section B.1.3.(b) of the Code.
- [3] The particulars were provided in the same letter from Professor Hillan.
- [4] At the commencement of the hearing, the Student pled guilty to charges 1 and 4 and the University withdrew the other charges.

THE FACTS

- [5] The parties submitted an Agreed Statement of Facts, the details of which are summarized here:
- The Student is an undergraduate student who commenced an Honours Bachelor of Arts and Science program in the Fall of 2001.
 - In the Winter 2006 academic term, she was enrolled in Global Climate Change and Freshwater Biology.

Global Climate Change

- In this course, the Student was required to write an essay worth 15% of the course mark.
- A detailed course outline was provided to all students, which included a section on penalties that could be imposed for misconduct including specific reference to plagiarism.
- For the essay assignment, the students were asked to comment upon the same article (the "Karoly article"). They were provided with a handout entitled "Paper Review Guidelines" which set out the requirements of the review assignment. The handout had attached to it a document entitled "How Not to Plagiarize" which specifically cautioned students about plagiarism. Students were provided with hard copies of these documents in class. If they missed the class, they were expected to obtain the materials themselves. The Student was not in class when the handout was presented.
- On or about January 30, 2006, she submitted her essay entitled "Review: Detection of a Human Influence on North American Climate" commenting on the Karoly article. Portions of her essay contained text that had been copied directly from the Karoly article without quotation marks or other form of citation or attribution. She did, however, cite the Karoly article in her bibliography.
- Her professor notified her that he suspected plagiarism and met with her on February 15, 2006 to discuss.

Freshwater Biology

- The course outline, which had been provided to all students, indicated that all assignments would be submitted to the “Turnitin” website for the detection of plagiarism. Turnitin is an internet based software programme that scans and compares work compared by students with material stored in its database.
- As part of the course, the Student was required to complete a final take-home exam worth 15% of her mark. She received a handout about the final exam, which contained a warning about plagiarism and a reminder the exam would be subject to a comparative analysis by Turnitin.
- On or about April 27, 2006, the Student transmitted an electronic copy of her final exam to Turnitin as well as a hard copy to her professor. The Student copied significant portions of her answers from internet sources that she did not reference properly or otherwise acknowledge correctly in the body of the exam. She failed to provide a complete bibliography.
- In June 2007, the Student had two meetings with the Dean’s Designate, Professor Scott Graham, to discuss the two allegations of academic misconduct in the Global Climate Change essay and the Freshwater Biology take-home exam. In each case she signed an admission that she was guilty of the offences of plagiarism as alleged.

[6] The panel accepted the Student’s plea and entered a verdict of guilty.

THE PENALTY

- [7] The parties submitted a Joint Submission on Penalty in which they jointly recommended:
- 1) that the Student be suspended from attendance at the University of Toronto for a period of 2 years, from the date of hearing;
 - 2) assignment of a grade zero in:
 - i. GG377H5 (Global Climate Change) for the 2006 Winter term; and
 - ii. BIO332Y5 (Freshwater Biology) for the 2006 Winter term;
 - 3) a notation on the Student’s transcript from the date of the hearing for a period of 3 years, or her graduation from the University, whichever occurs first, to the effect that she was sanctioned for academic misconduct; and
 - 4) the Tribunal report this case to the Provost who may publish a notice of the decision of the Tribunal and the sanction or sanctions imposed with the Student’s name withheld.
- [8] In support of the joint submissions on penalty, the parties put forward further evidence as follows:
- a Supplementary Agreed Statement of Facts which indicated that the Student had plagiarized portions of an essay in Winter 2005 in the course GGR345HS – Environment Issues in the Developing World worth 20% of her course mark. She met with Professor Scott Graham, Dean’s Designate, on June 16, 2005 to discuss allegations of plagiarism in this essay. At that meeting, she asked him to provide her with clarification about what constituted plagiarism after which she admitted she had committed the academic offence of plagiarism. Her mark for the course was reduced to 50% and a notation was placed on her transcript indicating “Mark reduced in

GGR345H5S due to academic misconduct” from June 1, 2005 until December 1, 2005.

- Ms. Cohen, counsel for the Student, filed a report from Dr. Mini Mamak, psychologist, dated May 23, 2007 together with Dr. Mamak’s curriculum vita. The psychological report described the Student as a rather naïve individual who seems “genuinely perplexed by her own behaviours that have led to her current predicament”. Dr. Mamak’s report indicated that the Student advised her that poor time management coupled with an overwhelming workload and need to assist her father at the mosque contributed to her acts of plagiarism. The Student told Dr. Mamak that she did not intend to deceive and did not consciously plagiarize.
- Ms. Cohen also filed a letter dated August 27, 2007 from Shabbir Beawarwala, secretary of the Anjuman-e-Fakhri (Mississauga). This letter confirmed that the Student had provided voluntary services to this charitable organization over the last several years.
- The panel was also advised that the Student entered into an arranged marriage in July of 2007 and was involved in preparations for same in Winter 2006.
- The Student was sworn and testified that she had no intention of purposely plagiarizing and felt under a great deal of pressure in the Winter of 2006. She indicated she had made mistakes and was truly sorry.

- [9] In support of the Joint Submission on Penalty, the parties put forward the following factors:
- The Student co-operated with the Dean’s Designate in 2005 and 2006. She has acknowledged her guilt. She has co-operated with the prosecution before the Tribunal and has pled guilty.
 - The Student has admitted she was sorry for her mistakes.
 - The Student appears now to understand what constitutes plagiarism.

REASONS FOR SANCTION (delivered orally)

We consider this a very serious case. Plagiarism of any kind is a serious blow to the academic integrity of the University and plagiarism from the internet is an increasing problem for the University. We believe that plagiarism must be dealt with in a way that will not only deter the individual charged but will also provide general deterrence to the University community.

We carefully considered the Joint Submission on Penalty. We have taken into account the submissions of counsel, the further documents filed and the evidence that the Student herself gave during the penalty phase of this hearing.

We acknowledge that the Student has cooperated with the University. She has pled guilty. She and her counsel have cooperated with the University in putting before us an Agreed Statement of Facts and a Supplementary Agreed Statement of Facts, which have been very helpful in allowing this hearing to proceed in a more expeditious manner. The Student has said that she is sorry for her conduct before us tonight both directly in her testimony and through her counsel. We have also considered the report filed by Dr. Mamak, who provided a psychological assessment of the Student.

However, the panel must say that it is troubled by a number of features in this case. In the first place, there was a prior incident of plagiarism by the Student in Winter 2005. At that time, on the evidence before us, we understand that the Student asked for clarification as to what constituted plagiarism. She received that clarification and acknowledged that she had committed plagiarism and a sanction was imposed. We considered this to have been a fair and significant warning to her, not only as to what plagiarism was but also as to how it was wrong and how it should not be repeated. The two matters that are before us occurred just one year later in the 2006 Winter term. In each course, the course material contained very clear warnings about plagiarism: what it was and how it was to be avoided. That material was either given to or was accessible by the Student.

Secondly, the panel was also troubled by the fact that the Student was advised by her professor of suspected plagiarism in February 2006 but then she went on to commit a third offence in April 2006, a mere three months later. This track record of being advised about plagiarism, and going on to repeat her offence is concerning.

Thirdly, it appeared to the panel that even at the hearing, despite all the material the student had reviewed on plagiarism and the individual warnings she had received, that she was still unclear as to what plagiarism was. In her testimony at the hearing, through questioning, she was finally able to identify all the elements of plagiarism. We think that this is important on a go-forward basis that all those elements are acknowledged and understood by her as constituting the offence of plagiarism.

Fourthly, we were also quite puzzled about the manner in which the Student committed her plagiarism. By citing sources in some instances, she appeared to try to indicate that she had taken material from elsewhere. However, she did not put any of the third party material she had copied in quotes. Overall, this did not seem to indicate an intention to deceive, but we remain troubled as to how she could not have acknowledged that she was not properly and completely declaring and identifying when she took material from others.

We heard evidence from the Student and her counsel about extenuating circumstances. The panel did not find this evidence compelling and did not place much weight on it in coming to its decision on penalty.

We considered the Joint Recommendation on Penalty and we agree with counsels' submission that we should place significant weight on a joint recommendation.

We considered the cases to which we were referred and accept that the suggested penalty is within the range for similar cases. We also looked at the Joint Recommendation with respect to this particular case because that is also an important feature: was it appropriate on the facts of this particular case?

We also took into account the criteria for penalty as first proposed by the late and former Mr. Justice Sopinka in the case of Mr. C. Those factors have been outlined and both counsel have made submissions with respect to them.

In light of all that, we have accepted the joint submission on penalty and accordingly the penalty that we impose is the following:

1. That the Student be suspended from attendance at the University of Toronto for a period of two years from the date of hearing.
2. That the Student be assigned a grade of 0 in:
 - (a) GGR377H5S, Global Climate Change, for the winter term 2006 and
 - (b) BIO332Y5Y, Fresh Biology, for the 2006 winter term;
3. That a notation be made on her transcript from the date of this hearing for a period of three years or her graduation, whichever comes first, to the effect that she was sanctioned for academic misconduct; and
4. We recommend that this case be reported to the Provost to publish the decision of the tribunal and the sanctions imposed with the name of the Student withheld.

I certify this is the decision of the panel.

Jan 22, 2008
Date

Kirby Chown
Kirby Chown, Co-Chair