

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made in June 25, 2005,

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 -
The Student**

Members of the panel:

- Mr. Ronald G. Slaght, Q.C., Chair
- Professor Melanie Woodin, Faculty Panel Member
- Ms Sujata Pokhrel, Student Panel Member

Appearances:

- Ms Lily Harmer for the University of Toronto
- The Student, did not appear

Preliminary

[1] The Trial Division of the University Tribunal was convened on November 29, 2006 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the “Code”) laid against the student by letter dated May 1, 2006 from Professor Edith Hillan, Vice-Provost, Academic.

[2] The panel of the Tribunal was made up of Sujata Pokhrel, a student; Melanie Woodin, a professor; and Ronald G. Slaght, outside legal counsel. Counsel for the University was Lily Harmer. The student was not represented and did not attend the hearing.

[3] Thirty minutes after the time at which the hearing was scheduled to begin, the student had still failed to appear. The University proposed to proceed in the Student’s absence and the Tribunal heard submissions.

[4] Ms Harmer presented the panel with the affidavits of Ms Betty-Ann Campbell, a Law Clerk in the firm Paliare Roland Rosenberg Rothstein representing the University, and Ms Lucy Gaspini, Executive Assistant in the Office of the Dean at the University of

Toronto at Mississauga. The affidavits describe variously efforts to communicate with the student, to advise her of the seriousness of the charges and the proceedings of the Tribunal, to provide her with disclosure, and to provide her with notice of the hearing.

[5] After considering the University's proposal, the evidence of the affidavits and the submissions of counsel, the panel was satisfied that the provisions in the *Code* and in the *Statutory Powers Procedure Act* ("SPPA") had been met and that the University could proceed with the hearing in the Student's absence.

[6] In arriving at this decision, the panel judged that the content of the Notice and the timing of its attempted service were reasonable. The question for the panel was: were the University's attempts to provide the student with notice reasonable and did they meet the requirements set out in the *Code* and in the *SPPA*?

[7] In the panel's judgement, the University's efforts were reasonable and met the requirements in the *Code* and the *SPPA*. In particular, the panel wishes to note that the University went beyond the records provided in ROSI (the Repository of Student Information) including the use of an investigation service and additional postal and email addresses.

[8] The panel considered the evidence of Ms Campbell's affidavit concerning a blog attributed to the student and an email address associated with that blog and is prepared to draw the inference that the charges and notice emailed to the student were brought to her attention. In the circumstances, the panel is satisfied that the use of the email address was a reasonable way to communicate with the student.

[9] The panel notes that the University might have attempted to find the student's address through Ballarat University in Australia where the student was allegedly studying or perhaps by placing some sign on her blog. However, these considerations ought not to detract from the reasonable efforts made by the University.

Hearing on the Facts

[10] The charges are as follows:

- (1) In the winter of 2005, you knowingly represented as your own an idea or expression of an idea or work of another in connection with your essay entitled "Roosevelt and The New Deal" submitted for academic credit in POL478Y5, contrary to section B.I.1(d) of the Code.
- (2) In the winter of 2005, you knowingly submitted your essay entitled "Roosevelt and The New Deal" containing a purported statement of fact or reference to a source which has been concocted, contrary to section B.I.1(f) of the Code.
- (3) In the alternative, in the winter of 2005, 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 “Roosevelt and The New Deal” submitted for academic credit in POL478Y5, contrary to section B.I.3(b) of the Code.

- (4) In the winter of 2005, you knowingly represented as your own an idea or expression of an idea or work of another in connection with your assignment entitled “Globalization and its Discontents – Seminar Summary” dated March 31, 2005, submitted for academic credit in POL478Y5, contrary to section B.I.1(d) of the Code.
- (5) In the alternative, in the winter of 2005, 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 assignment entitled “Globalization and its Discontents – Seminar Summary” dated March 31, 2005, submitted for academic credit in POL478Y5, contrary to section B.I.3(b) of the Code.
- (6) In the winter of 2005, you knowingly represented as your own an idea or expression of an idea or work of another in connection with your assignment entitled “Post-War Japan Corporatism – Summary” dated March 24, 2005, submitted for academic credit in POL478Y5, contrary to section B.I.1(d) of the Code.
- (7) In the alternative, in the winter of 2005, 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 assignment entitled “Post-War Japan Corporatism – Summary” dated March 24, 2005, submitted for academic credit in POL478Y5, contrary to section B.I.3(b) of the Code.
- (8) In the winter of 2005, you knowingly represented as your own an idea or expression of an idea or work of another in connection with your assignment entitled “‘Keynesianism’ – Summary” dated March 3, 2005, submitted for academic credit in POL478Y5, contrary to section B.I.1(d) of the Code.
- (9) In the alternative, in the winter of 2005, 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 assignment entitled “‘Keynesianism’ – Summary” dated March 3, 2005, submitted for academic credit in POL478Y5, contrary to section B.I.3(b) of the Code.
- (10) In the winter of 2005, you knowingly represented as your own an idea or expression of an idea or work of another in connection with your

assignment entitled “Hayek and The Fatal Conceit – Summary” dated January 27, 2005, submitted for academic credit in POL478Y5, contrary to section B.I.1(d) of the Code.

- (11) In the alternative, in the winter of 2005, 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 assignment entitled “Hayek and The Fatal Conceit – Summary” dated January 27, 2005, submitted for academic credit in POL478Y5, contrary to section B.I.3(b) of the Code.
- (12) In the winter of 2005, you knowingly represented as your own an idea or expression of an idea or work of another in connection with your assignment entitled “Jurgen Habermas – Lecture Summary” dated February 10, 2005, submitted for academic credit in POL478Y5, contrary to section B.I.1(d) of the Code.
- (13) In the alternative, in the winter of 2005, 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 assignment entitled “Jurgen Habermas – Lecture Summary” dated February 10, 2005, submitted for academic credit in POL478Y5, contrary to section B.I.3(b) of the Code.
- (14) In the winter of 2005, you knowingly represented as your own an idea or expression of an idea or work of another in connection with your assignment entitled “Summary – A Theory of Justice by John Rawls” dated February 3, 2005, submitted for academic credit in POL478Y5, contrary to section B.I.1(d) of the Code.
- (15) In the alternative, in the winter of 2005, 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 assignment entitled “Summary – A Theory of Justice by John Rawls” dated February 3, 2005, submitted for academic credit in POL478Y5, contrary to section B.I.3(b) of the Code.
- (16) In or about June, 2005, 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 convocation wherein you claimed to be entitled to graduate with a degree from the University, when you were not.

[11] Particulars of the charges are as follows:

- (1) You were, at all material times, a student in POL478Y5Y taught by Professor Day in the fall of 2004 and winter of 2005.
- (2) On or about April 1, 2005 you submitted an essay entitled “Roosevelt and The New Deal” that contained excerpts and passages that were not written by you, but were copied without attribution from an internet website found at: www.grolier.com/wwii/wwii_roosevelt.html.
- (3) Some or all of the citations and references used by you in the essay were falsified and/or concocted.
- (4) On or about March 31, 2005 you submitted an assignment entitled “Globalization and its Discontents – Seminar Summary” that contained excerpts and passages that were not written by you, but were copied without attribution from an internet website found at:

www.debunking-economics.com/Talks/KeenStiglitzGlobalisation20020928.html.
- (5) On or about March 24, 2005 you submitted an assignment entitled “Post-War Japan Corporatism – Summary” that contained excerpts and passages that were not written by you, but were copied without attribution from an internet website found at: sp.mt.tama.hosei.ac.jp/users/aki/chap1.html.
- (6) On or about March 3, 2005 you submitted an assignment entitled “‘Keynesianism’ – Summary” that contained excerpts and passages that were not written by you, but were copied without attribution from internet websites found at:

www.gocities.com/ecocorner/intelarea/mf1.html

www.j-bradford-delong.net/Econ_Articles/Reviews/skidelsky3.html.
- (7) On or about January 27, 2005 you submitted an assignment entitled “Hayek and The Fatal Conceit – Summary” that contained excerpts and passages that were not written by you, but were copied without attribution from an internet website found at: fcpp.org/main/publication_detailed.php?PubID=299.
- (8) On or about February 10, 2005 you submitted an assignment entitled “Jurgen Habermas – Lecture Summary” that contained excerpts and passages that were not written by you, but were copied without attribution from an internet website found at: home.cwru.edu/~ngb2/Authors/habermas.html

- (10) On or about February 3, 2005 you submitted an assignment entitled “Summary – A Theory of Justice by John Rawls” that contained excerpts and passages that were not written by you, but were copied without attribution from an internet website found at: www.faithnet.org.uk/A2%20Subjects/Ethics/rawlsjustice.htm.
- (11) On or about June 13, 2005 you attended at convocation and made statements to the University concerning your academic status that were untrue and which were a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain an academic advantage.
- (12) In particular, you told the University that you had met with the course instructor for POL478Y5 on or about June 10, 2005, that the instructor had given you a mark of 50% in that course, and that you were therefore eligible to graduate.
- (13) Those statements were untrue, academically dishonest, and were misrepresentations designed to obtain academic advantage, inter alia, by misleading the University regarding your eligibility to convocate and obtain a degree from the University. You intended that the University rely on these statements in order that you might obtain an academic advantage.

[12] The University called three witnesses, Ms Virginia Boon, Professor Richard Day and Ms Lucy Gaspini.

[13] Ms Boon’s testimony concerned charge #16 and particulars #26, #27 and #28. The panel heard of the student’s efforts to deceive convocation officials into allowing her to graduate despite her ineligibility to do so because of outstanding disciplinary charges against her. These efforts included an attempt to implicate Professor Day in the deception. The panel also heard that, when those efforts failed, the student attempted to persuade convocation officials to let her “walk across the stage” as if she were graduating.

[14] Professor Day’s testimony concerned the balance of the charges and particulars. The panel heard of Professor Day’s efforts to inform his classes of what constitutes plagiarism, the elements of proper citation and the consequences of failing to cite properly.

[15] The panel was presented with a book of documents that included copies of the student’s allegedly plagiarized essays and assignments together with copies of the internet sources from which the student had allegedly plagiarized. The panel was invited to compare the documents as counsel for the University led Professor Day through the evidence.

[16] Lastly, Ms Gaspini’s testimony addressed several questions the panel had raised regarding charge #16.

Decision of the Tribunal

[17] After deliberation, the panel was satisfied that counsel for the University had proved all charges on clear and compelling evidence. The panel was also satisfied that the student had received fair instruction and warning on plagiarism and citation.

[18] The panel notes that the essay which was the subject of charges #1, #2 and #3 represents a clear and very serious case of plagiarism and concoction.

[19] The panel is also satisfied that the small assignments that were the subject of charges #4 to #15 were also plagiarised.

[20] Similarly, the panel is satisfied on the evidence regarding charge #16 and accordingly finds the student guilty of the charges before her.

Penalty Phase

[21] The University submitted that the appropriate penalty in the circumstances is:

(1) That the Tribunal recommend to the President of the University of Toronto that the student be expelled from the University; and

(2) That the Student be suspended from the University for a period of five years pending the decision of the President.

[22] In addition, the University requests that a report of the decision be made to the Provost for publication in the University's newspapers with the Student's name withheld.

[23] The University called one witness, Professor Roger Beck, Dean's Designate for Academic Discipline at the University of Toronto, Mississauga.

[24] Through Professor Beck's testimony the panel learned of a prior plagiarism offence to which the student had pleaded guilty in June of 2004. For this offence, the student had received a zero on the assignment in question and a stern warning that any future offences would be dealt with more severely.

[25] The University placed a Book of Authorities before the panel so that they might have an opportunity to review several decisions of other panels of the University Tribunal in similar cases. In particular, the panel reviewed the criteria for sanction first proposed by the late and former Mr. Justice Sopinka in the matter of the appeal of Mr. C. (November 5, 1976). According to these guidelines, the Tribunal should consider the following six criteria when deciding on an appropriate sanction:

- (1) the character of the person charged;
- (2) the likelihood of a repetition of the offence;
- (3) the nature of the offence committed;

- (4) any extenuating circumstances surrounding the commission of the offence;
- (5) the detriment to the university occasioned by the offence;
- (6) the need to deter others from committing a similar offence.

[26] In addition, the University highlighted the importance, in its opinion, of students showing insight and remorse as part of the University's efforts to rehabilitate academic relationships. Counsel for the University argued that the student had failed to exhibit either of these qualities and instead had ignored and walked away from the process. Counsel also noted that the student was not present at the hearing to help the panel with their questions or to explain her behaviour and present any mitigating evidence.

Sanction and Reasons

[27] The panel imposes the following sanction and offers the following reasons:

At the conclusion of the hearing in this matter on November 29, 2006 we found the student, The Student, guilty of the charges brought against her by the University. The student had not appeared at the hearing, and after evidence, submission and deliberations we had found the student had been provided with reasonable notice of the hearing. We then heard evidence from witnesses and reviewed the documents in issue and concluded that The Student had been guilty of 7 acts of plagiarism and one further act, essentially a fraud, in attempting to convocate and mislead those officials responsible for the convocation exercise.

Following submissions about penalty including a review of Tribunal Decisions about sanctions, we deliberated and decided that the student should be expelled from the University. We determined to give reasons for that decision on penalty following additional consideration. These are those reasons.

Our findings and conclusions on the issue of guilt or innocence of the student are found in our reasons on that aspect of this matter. In short, The Student, who was a fourth year student, committed serious acts of plagiarism in a major essay and a series of short papers.

Although the student's actions remained under review and procedures had been instituted under the University Code, the student had subsequently attended at convocation and advised that she had met with the course instructor about the issues and that the instructor had given her a pass, and she was therefore entitled to graduate. As a result of various last minute checks, these statements were determined to be untrue, and the student did not participate in convocation.

We were advised at the outset of submissions on penalty that this was in fact a second offence, in that in 2004 the student had committed an act of plagiarism in a third year course and had been assigned a mark of zero. In the course of

the hearing into the issue of notice we reviewed the attempts by the University to provide The Student with notice of these proceedings. We had been provided with evidence from a “blog” which we are satisfied was that of The Student, on which the student commented on her earlier acknowledgement of plagiarism, that plagiarism was relatively easy to accomplish and the only issue was whether one got caught.

Of course of interest to us was that the student did not attend the hearing, completely ignored the process, has taken no responsibility for any of the actions that were proved in the evidence, is not here to provide us with any evidence or submissions that might be taken into account by the panel in mitigation of what appeared to us to be purposeful, frequent and blatant acts of plagiarism and a final act of fraud, destructive of University values.

It was apparent to the panel that taking all matters into account, the appropriate penalty was either that of the lengthiest suspension from the University that the panel has jurisdiction to impose, a five year suspension, or the ultimate penalty, a recommendation that the student be expelled from the University. We did consider that the student was in her fourth year, and although she had committed an act of plagiarism in her third year, and as outlined above, very serious acts of academic dishonesty in her fourth year, nonetheless, if expelled, she would be deprived of any opportunity to obtain her degree after several years of attendance at the institution.

At the same time however having regard to the student’s failure to attend, apparent disdain for the values of the University as represented by her comments on her blog, and the fact that she appeared impervious to the influences of University life, the core values of the University and the need for honesty in student life during her years at this institution, our ultimate conclusion was that the matter of the student’s seniority should count against her rather than be taken into account in amelioration of any penalty.

The Tribunal has long considered a number of criteria in assessing penalty in its cases, including whatever evidence there may be attesting to the character of the person who is charged with the offence, the nature of the offence, deterrence, harm to the University and any surrounding circumstances that could be considered in mitigation or aggravation of the offence.

Taking these factors into account in this case, the panel concluded that the appropriate penalty is in fact expulsion of this student from the University community.

Nothing was provided to us in mitigation, the acts which we found to have been committed were systematic, calculated and carried out over a period of time. This was the second offence. The student ultimately attempted to graduate under a further series of false statements and subterfuge.

In the result, the penalty in this matter will be:

- a) The student will be assigned a mark of zero for the course.
- b) There will be publication of the sanction and decision in the University publication with The Student's name withheld.
- c) A recommendation shall be forwarded to the Governing Council for The Student's expulsion from the University of Toronto.

February 15, 2007
Date

"Mr. Ronald G. Slaght"
Chair