

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty made on September 29, 2009;

**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                      H**

**Hearing Date:** October 25, 2010

**Members of the Panel:**

- Mr. Clifford Lax, Q.C., Chair
- Professor Kathi Wilson, Department of Geography, Faculty Panel Member
- Mr. Michael Scott, Student Panel Member

**Appearances:**

- Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Barristers
- Mr. Andrew Vey, Law Student, Downtown Legal Services

**In Attendance:**

- Mr S                      H                      , the Student
- Professor G. Scott Graham, Dean's Designate, University of Toronto Mississauga
- Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

### Hearing on the Facts

1. Pursuant to an Agreed Upon Statement of Facts (attached as Appendix A) filed at the hearing, the student pleaded guilty to having engaged in cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit by having purchased essays which he submitted in PHL105Y, on October 8, 2009 and subsequently submitted a second essay in POL112H5S on October 28, 2009.
2. The student acknowledged that he had been warned that plagiarism was a very serious offence and that students found to have plagiarized were subject to severe penalties, including expulsion.
3. When first confronted with the evidence of plagiarism, the student admitted that he had purchased the essays and submitted them as if they were his own work.

### Decision of the Tribunal

4. On the basis of the Agreed Statement of Facts, the Tribunal accepted the plea of guilty and found a contravention of the Code as set out in the first and third charges. The University withdrew the second and fourth charges upon the registration of the two convictions.

### Penalty Phase

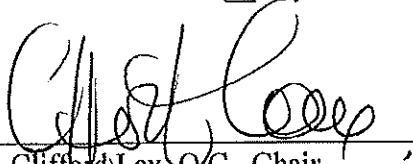
5. The parties submit that the appropriate penalty in all of the circumstances of this matter should be:
  - a. The assignment of a grade of zero in the Spring 2009 Session in POL112H5S and PHL105Y;
  - b. That Mr. H be suspended from attendance at the University of Toronto for a period of five years from September 1, 2010 to August 31, 2015;
  - c. That a notation be placed in Mr. H's transcript from the date of this hearing for a period of six years to August 31, 2016 or his graduation from the University, whichever occurs first, to the effect that he was sanctioned for academic misconduct;
  - d. That the Tribunal should report this case to the Provost who may publish a notice of the decision of the Tribunal and the sanctions imposed, with Mr. H's name withheld.
6. But for the fact that the student readily admitted his guilt when confronted with the evidence of plagiarism, this Tribunal might well have recommended expulsion of the student from the University. However, not only did the student admit his guilt, but he cooperated with the University officials in the course of their investigation. The student was a first year student, with no prior academic offences.

7. The Tribunal was advised that academic dishonesty by purchasing essays is a difficult matter to prove, without the cooperation of the student involved. It may well have been possible for the University to establish the offence of plagiarism by proving that the work submitted did not reflect the work of the accused. The evidence of plagiarism would have included evidence establishing the similarity of the work submitted by the accused with work published by others or indeed submitted by others to the University on prior occasions. Therefore, the student might well have been caught for plagiarizing but not necessarily caught for the offence of purchasing essays from a third party.

### Sanction

8. The Panel therefore accepts the Joint Submission on Penalty (Attached as Appendix B) and makes the following order:
- (a) That the student shall be assigned a final grade of zero in the Spring 2009 sessions of POL112H5S and PHL105Y;
  - (b) That he shall be suspended from the University of Toronto from September 1, 2010 to August 31, 2015;
  - (c) That a notation shall be placed on the student's academic record and transcript stating that he has been found to have committed academic offences, such notation to run until August 31, 2016 or his graduation from the University, whichever occurs first; and
  - (d) That a report of this case be made to the Provost who may publish a notice of the decision of the University of Toronto Tribunal and the sanctions imposed, with the student's name withheld.

Dated at Toronto this 18 day of November, 2010.

  
Mr. Clifford Lax, Q.C., Chair

## APPENDIX A

**THE UNIVERSITY TRIBUNAL OF THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on September 29, 2009,

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

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**BETWEEN:**

**THE UNIVERSITY OF TORONTO**

**– and –**

**S                      H**

**AGREED STATEMENT OF FACTS**

1. For the purpose of this hearing under the *Code of Behaviour on Academic Matters* ("Code"), the Provost of the University of Toronto (the "Provost") and S                      H ("Mr. H.                      ") have prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The Provost and Mr. H agree that:
  - a. each document contained in the JBD may be admitted into evidence before 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.

### **Charges and guilty plea**

2. This hearing arises out of charges of academic misconduct filed by the Provost under the Code. A copy of the charges, which were filed on September 29, 2009, is included in the JBD at Tab 1 ("Charges").
3. Mr. H acknowledges that he received a copy of the Charges, waives the reading of the Charges and hereby pleads guilty to charges #1 and #3.
4. The Provost agrees that if the Tribunal convicts Mr. H on charges #1 and #3, the Provost will withdraw charges #2 and #4.
5. The Notice of Hearing into the Charges is included in the JBD at Tab 2. Mr. H acknowledges that he has received reasonable notice of this hearing.
6. Mr. H first registered as a student at the University of Toronto Mississauga in Fall 2008. At all material times, he remained a student at the University. A copy of Mr. H's academic record dated October 1, 2010 is included in the JBD at Tab 3.

### **POL112H5S**

7. In Spring 2009 Mr. H was enrolled in POL112H5S: Democracy in Theory and Practice, a half year course taught by Professor Graham White. The Course Syllabus contained a section entitled "Plagiarism" which warned students that plagiarism is a very serious offence, and that students found to have plagiarized are subject to severe penalties, up to and including expulsion. The section explained what plagiarism is and referred students to a website for further information on the subject of plagiarism. A copy of the Course Syllabus for POL112H5S for Spring 2009 is included in the JBD at Tab 4.
8. A final essay worth 25% of the course mark was due on April 7, 2009. Students in POL112H5S were required to submit their essay both in hard copy to their assigned Tutorial Assistant, and electronically to turnitin.com.

9. On or about April 7, 2009, Mr. H submitted his essay to fulfill the course requirement in hard copy to his TA ("POL Essay"). Three weeks later, after being told by Professor White that he would not receive a grade unless and until he submitted the POL Essay to turnitin.com, on or about April 29, 2009 Mr. H submitted the POL Essay electronically to turnitin.com, as required. A copy of the POL Essay is included in the JBD at **Tab 5**.
10. The Turnitin Originality Report for the POL Essay generated by Turnitin showed an overall similarity index of 49%. A copy of the Turnitin Originality Report for the POL Essay is included in the JBD at **Tab 6**.
11. Professor White compared the POL Essay to various websites available on the internet and determined that extensive passages had been reproduced virtually verbatim to written passages available on the internet. No attribution was given to those sources. A copy of the internet source material found reproduced in Mr. H's POL Essay is included in the JBD at **Tab 7**.
12. Professor White attempted through an exchange of emails to arrange a meeting with Mr. H to discuss his concerns with the POL Essay. In these emails Mr. H repeatedly addressed his email messages to "miss"; when asked to explain he stated: "I begin the emails with miss because I've never met you before and I assume I can call u miss as I call my t.a. sir (Mr. Ozgur)." Professor White responded by expressing his puzzlement as to how Mr. H could think he was a woman if he had attended lectures. With respect to allegations that his Essay was plagiarized, Mr. H explained that the POL Essay:

"contained a lot of general facts that are cited everywhere in books and throughout the internet however whatever was used was cited and other information is common knowledge picked up throughout the political science courses, there would be no point in plagiarizing if that is what you're implying Miss White."

A copy of the emails exchanged by Professor Graham White and Mr. H between April 27 and 29, 2009 are included in the JBD at **Tab 8**.

13. Mr. H attended a meeting with Professor White by telephone on May 11, 2009, at which time he admitted to having purchased the POL Essay. He explained that he had been under considerable family pressure, but acknowledged that this was no excuse.

#### **PHL105Y**

14. Mr. H was also enrolled in PHL105Y: Introduction to Philosophy, a full year course, in the Fall 2008 and Spring 2009 semesters. The Spring semester portion of the course was taught by Professor Jonathan Welsberg. In both terms the students received a course syllabus which, among other things, warned that academic dishonesty would be taken very seriously, and contained detailed information about plagiarism. Students were advised that it was a requirement of the course that all required papers would be submitted electronically to turnitin.com. A copy of the Course Syllabus for the Fall 2008 semester is included in the JBD at **Tab 9**. A copy of the Course Syllabus for the Spring semester in PHL105Y is included in the JBD at **Tab 10**.
15. An essay worth 10% of the course mark was due April 8, 2009. Mr. H handed in an essay in PHL105Y on or about April 8, 2009 ("PHL Essay"). As required, he submitted it in hard copy to his tutorial assistant, and also electronically to turnitin.com. A copy of the PHL Essay is included in the JBD at **Tab 11**.
16. Professor Weinberg marked the PHL Essay and noted a number of anomalies, including:
  - a. at least two passages appeared to have been taken from an online source;
  - b. the only item listed in References appeared to be fictional;
  - c. an in-text reference to a source not listed in the References also appeared to be fictional; and



- d. the essay made use of concepts, ideas and phrases that went well beyond the content and level of the course.
- 17. The Turnitin Originality Report produced for the PHL Essay identified an overall similarity index of 16%. A copy of this Report is included in the JBD at Tab 12.
- 18. The PHL Essay contained passages taken from the Internet without attribution. A copy of the Internet source material found reproduced in Mr. H       's PHL Essay is included in the JBD at Tab 13.
- 19. Mr. H       attended a meeting with Professor Weisberg on April 30, 2009 to discuss Professor Weisberg's concerns about his PHL Essay. Mr. H       claimed that the PHL Essay was entirely his own work. The meeting was concluded on the understanding that Mr. H       would provide Professor Weisberg with a source that he claimed to have used in his PHL Essay. Mr. H       did not provide Professor Weisberg with the source.

#### **Dean's meetings**

- 20. Mr. H       attended two consecutive meetings with the Dean's Designate on June 24, 2009, first to discuss allegations of plagiarism in PHL105Y, followed by POL112Y5S. At the meeting to discuss PHL105Y Mr. H       admitted for the first time that he had purchased the PHL Essay and submitted it as if it was his own work. He made the same admission in relation to the POL Essay. He explained that his father had lost his job, that he wasn't "able to balance things out between work, home, essays and exams", and that he "made a wrong choice".

#### **Admissions**

- 21. Mr. H       admits that he purchased each of the POL Essay and the PHL Essay from an Internet-based business called customwriting.com and paid approximately \$80 to \$90 for each essay.

22. Mr. H further admits, with respect to both the POL Essay and the PHL Essay, that he:

- a. did no meaningful academic work;
- b. knowingly submitted them in essentially the same form as he received them from the vendor;
- c. knowingly represented the ideas of another person, the expression of the ideas of another person, and the work of another person as his own;
- d. knowingly committed plagiarism contrary to section B.1.1(d) of the Code; and
- e. knew or ought to have known that he 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 contrary to section B.1.3(b) of the Code.

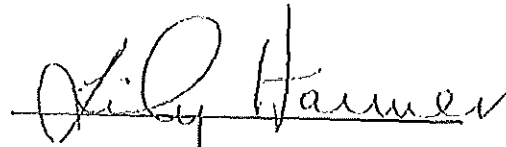
23. Mr. H acknowledges that:

- a. the Provost of the University of Toronto has made no representations or promises as to what sanction the Provost will seek in this case; and
- b. he is signing this ASF freely and voluntarily, knowing of the potential consequences he faces, and does so with the advice of counsel.

Signed on October 25, 2010.

  
S H

Signed on October 25, 2010.



Lily Harmer  
Assistant Discipline Counsel  
University of Toronto

NO. 1

THE UNIVERSITY TRIBUNAL  
UNIVERSITY OF TORONTO  
AND

.....S.....H.....

This Exhibit is produced by

the .....UNIVERSITY.....

this 25 day of OCTOBER, 2010..



## APPENDIX B

UNIVERSITY OF TORONTO

THE UNIVERSITY TRIBUNAL  
UNIVERSITY OF TORONTO  
AND

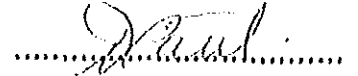
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S H

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this 25 day of OCTOBER, 2010.

**JOINT SUBMISSION ON PENALTY**

1. The University of Toronto and S H submit to the Tribunal that the appropriate penalty in all of the circumstances is:

a. assignment of a grade of zero in the Spring 2009 session in:

i. POL112H5S; and

ii. PHL105Y;

b. Mr. H be suspended from attendance at the University of Toronto for a period of 5 years, from September 1, 2010 to August 31, 2015.

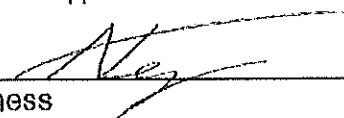
c. a notation be placed on Mr. H's transcript from the date of this hearing for a period of 6 years to August 31, 2016 or his graduation from the University, whichever occurs first, to the effect that he was sanctioned for academic misconduct.

2. The University of Toronto and Mr. H submit that the Tribunal should report this case to the Provost who may publish a notice of the decision of

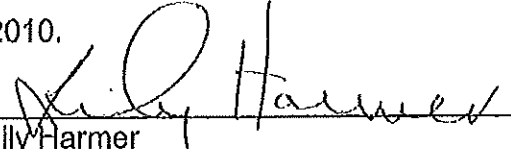
the Tribunal and the sanction or sanctions imposed with Mr. H's name withheld.

3. The University of Toronto states that but for the mitigating circumstances described in paragraph 20 of the Agreed Statement of Facts it would be seeking a recommendation of expulsion.
4. Mr. H acknowledges that the University of Toronto has advised him to retain independent legal counsel before signing this Joint Submission on Penalty and that he has either done so or deliberately waived that right.

Signed in Toronto on October 25, 2010.

S H  
  
 Witness

Signed in Toronto on October 25, 2010.

  
 Lily Harmer  
 Assistant Discipline Counsel,  
 University of Toronto