**UNIVERSITY OF TORONTO**
**UNIVERSITY TRIBUNAL**
**TRIAL DIVISION**

**IN THE MATTER OF** charges of academic misconduct made on May 11, 2011;

**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 -**

**K[redacted] P[redacted]**

# REASONS FOR DECISION

**Hearing Date:** June 27, 2011

**Members of the Panel:**
Mr. Andrew Pinto, Barrister and Solicitor, Chair
Dr. Annette Sanger, Faculty Panel Member
Ms. Alice Kim, Student Panel Member

**Appearances:**
Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers

**In Attendance:**
Professor Eleanor Irwin, Dean's Designate, University of Toronto Scarborough
Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

## Preliminary

[1] The Trial Division of the University Tribunal was convened on June 27, 2011 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 11, 2011 from Professor Edith Hillan, Vice-Provost, Faculty and Academic Life.

[2] The Student and the University entered into an Agreed Statement of Facts ("ASF") and a Joint Submission on Penalty ("JSP"), copies of which are attached to these Reasons as Appendix "A" and "B" respectively.

## Hearing on the Facts

[3] The charges against the Student were as follows:

**ENG B17 Charges**

1. On or about March 31, 2010, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in an essay that you submitted for academic credit in ENG B17, contrary to section B.I.1(d) of the *Code*.

2. In the alternative, on or about March 31, 2010, 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 to an essay you submitted for academic credit in ENG B17, contrary to section B.I.3(b) of the *Code*.

**ENG B03 Charges**

3. On or about July 14, 2010, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in an essay that you submitted for academic credit in ENG B03 – contrary to section B.I.1(d) of the *Code*.

4. In the alternative, on or about July 14, 2010, 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 to an essay you submitted for academic credit in ENG B03, contrary to section B.I.3(b) of the *Code*.

***Particulars***

5. At all material times, you were a registered student at the University of Toronto.

6. In Winter 2010, you enrolled in ENG B17, which was taught by Professor Alexandra Peat. Students in ENG B17 were required to submit an essay that was worth 30% of the final grade in ENG B17 ("Assignment").

7. On or about March 31, 2010, you submitted an essay titled "It Can Be Said Many Ways" ("*Lucy* Essay") in completion of the Assignment, and to obtain academic credit in ENG B17.

8. In the *Lucy* Essay you knowingly:

a. represented the work of another as your own work; and

b. included in the *Lucy* Essay ideas, and expressions of ideas, that were not your own, but were the ideas and expressions of others, which you did not acknowledge in the *Lucy* Essay.

9. For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in the *Lucy* Essay.

10. In Summer 2010, you enrolled in ENG B03, which was taught by Professor Sonja Nikkila. Students in ENG B03 were required to submit a short interpretative essay of no more than 1200 words, which was worth 25% of the final grade in ENG B03 ("Assignment").

11. On or about July 14, 2010, you submitted an essay titled "Namelessness Within Narration" ("*Marquez* Essay") in completion of the Assignment, and to obtain academic credit in ENG B03.

12. In the *Marquez* Essay you knowingly:

a. represented the work of another as your own work; and

b. included in the *Marquez* Essay ideas, and expressions of ideas, that were not your own, but were the ideas and expressions of others, which you did not acknowledge in the *Marquez* Essay.

13. For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in the *Marquez* Essay.

[4] The Student did not attend the hearing but submitted a Consent to the hearing proceeding in her absence. The Consent confirmed that the Student understood that, in her absence, the University Tribunal may find that she had committed an act or acts of academic misconduct, and may impose sanctions against her as set out in the *Code*.

[5] Discipline counsel provided an overview of the ASF.

[6] The Student, via the ASF, entered a guilty plea to all charges. The University agreed that if the Tribunal convicted the Student of charges 1 and 3, the University would withdraw charges 2 and 4.

## Decision of the Tribunal on Charges

[7] Following deliberation, based on the facts set out in the ASF and a review of the documents contained in a Joint Book of Documents ("JBD"), the Tribunal accepted the Student's guilty plea on all charges. Consequently, the University withdrew charges 2 and 4, and the Student stood convicted on charges 1 and 3.

## Penalty

[8] The matter then continued with a hearing into the appropriate sanction. As noted above, the University and the Student filed a JSP attached to these Reasons as Appendix B.

[9] The panel was disturbed by the fact that the Student had committed plagiarism again, in the present two separate courses in 2010, after she was caught submitting a plagiarized essay in November 2008. On that prior occasion, the Student received an academic penalty that resulted in her failing a course and her academic record and transcript containing a notation of her academic misconduct until September 1, 2009. Regrettably, the Student was undeterred from committing plagiarism again.

[10] The panel noted that the Tribunal in *Re M.H.H.* (July 12, 2009; Case Number 521) relied on a previous decision, *Re A.K.* (November 9, 2007; Case Number 509), in holding that "the consistent minimum penalty appears to be a two year suspension" for students convicted of plagiarism. Here the Student had committed plagiarism on three different occasions,

albeit with the present hearing dealing with only two of those occasions in the same academic year.

[11] The Tribunal believed that the Student's misconduct was very serious and that the appropriate penalty range may have quite legitimately included a recommendation for expulsion. However, the Tribunal also recognized the importance of showing deference to a JSP unless there were compelling circumstances to depart from the JSP, and here there were none.

[12] 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 orders as follows:

1. **THAT** the following sanctions shall be imposed on the Student:

   (a) a final grade of zero in the course ENG B17 and in the course ENG B03;

   (b) a suspension from the University commencing June 1, 2011, for a period of four years, ending on May 31, 2015; and

   (c) the sanction be recorded on her academic record and transcript from the date of the order until May 31, 2015;

2. **THAT** this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the name of the student withheld.

Dated at Toronto, this 6th day of February, 2012.

Andrew Pinto, Co-Chair

# SCHEDULE A

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

**IN THE MATTER OF** charges of academic dishonesty filed on May 11, 2011,

**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 –**

**K[redacted] P[redacted]**

**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 [redacted] P[redacted] ("Ms. P[redacted]") have prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The Provost and Ms. P[redacted] 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. P[redacted] waives notice of this hearing.

NO. 3

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO
AND
.....[redacted].....
This Exhibit is produced by
the .....UNIVERSITY.....
this 27 day of JUNE ,20..11...
.....

***A. Charges and guilty plea***

3. Ms. P[redacted] admits that she received a copy of the charges filed by the Provost. The charges are included in the JBD at Tab 1.

4. Ms. P[redacted] 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. P[redacted]:

(a) on charge 1, the Provost will withdraw charge 2; and

(b) on charge 3, the Provost will withdraw charge 4.

6. At all material times, Ms. P[redacted] was a registered student at the University of Toronto. A copy of Ms. P[redacted]'s academic record is included in the JBD at Tab 2.

***B. ENG B17***

7. In the 2010 Winter term, Ms. P[redacted] enrolled in ENG B17 – Contemporary Literature from the Caribbean, which was taught by Dr. Alexandra Peat ("Contemporary Literature").

8. A copy of the syllabus for Contemporary Literature ("Literature Syllabus") is included in the JBD at Tab 3. Ms. P[redacted] admits that she received a copy of the Literature Syllabus. The Literature Syllabus stated, in part, as follows:

> **Plagiarism Warning:** Any time you quote, paraphrase, or get inspiration from another source you must indicate that you have done so. Plagiarism is a serious offence and will not be tolerated. Please see the university guide on using and citing sources for tips on how to avoid plagiarism. I recommend also that you consult the *MLA Handbook* for in-depth citation advice.

9. The academic requirements for Contemporary Literature included a final essay that was due in March, 2010. A copy of the list of Final Essay topics is included in the JBD at Tab 4. On March 31, Ms. P[redacted] submitted an essay titled "It Can Be Said Many Ways" in partial completion of the Contemporary Literature requirements ("Literature Essay"). A copy of the Literature Essay is included in the JBD at Tab 5.

10. The teaching assistant in Contemporary Literature graded the Literature 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 Literature 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.

11. The teaching assistant in Contemporary Literature brought the Contemporary Essay to Dr. Peat's attention. Dr. Peat reviewed it and concluded that large portions of the essay closely or exactly resembled passages from websites and an essay by Florence Jurney. A copy of these sources is included in the JBD at Tab 6.

12. Ms. P[redacted] admits that she knowingly:

(a) represented in the Literature 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 Literature Essay contrary to section B.I.1(d) of the *Code*; and

(c) 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 B03*

13. In Spring 2010, Ms. P[redacted] enrolled in ENG B03 – Critical Thinking about Narrative, which was taught by Sonja Nikkila ("Critical Thinking").

14. A copy of the syllabus for the Critical Thinking Course ("Critical Thinking Syllabus") is included in the JBD at Tab 7. Ms. P[redacted] admits that she received a copy of the Critical Thinking Syllabus.

15. The academic requirements for Critical Thinking included a term paper that was due on July 14, 2010. On that day, Ms. P[redacted] submitted an essay titled "Namelessness Within

Narration" in partial completion of the Critical Thinking course requirements ("Namelessness Essay"). A copy of the Namelessness Essay is included in the JBD at Tab 8.

16. Prof. Nikkila graded the Namelessness 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 Namelessness 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. A copy of these sources is included in the JBD at Tab 9.

17. Ms. P[redacted] admits that she knowingly:

(a) represented in the Namelessness 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 Namelessness Essay contrary to section B.I.1(d) of the *Code*; and

(c) 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***

18. Ms. P[redacted] did not meet with the Dean's Designate for Academic Integrity, to discuss the two offences.

***E. Acknowledgments***

19. Ms. P[redacted] acknowledges that:

(a) the Provost of the University of Toronto has advised Ms. P[redacted] of her right to obtain legal counsel and that Ms. P[redacted] 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 June 8, 2011.

[redacted]

Signed on June 8, 2011.

Robert A. Centa
Assistant Discipline Counsel
University of Toronto

# SCHEDULE B

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

**IN THE MATTER OF** charges of academic dishonesty made on May 11, 2011,

**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 –**

**K[redacted] P[redacted] [redacted]**

**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 K[redacted] P[redacted] ("Ms. P[redacted]") have prepared this Joint Submission on Penalty.

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

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

(i) ENG B17; and

(ii) ENG B03;

(b) a suspension from the University from June 1, 2011, until May 31, 2015;

(c) a notation of the sanction on her academic record and transcript from the date of the Order until May 31, 2015;

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. P[redacted] 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 August 27, 2008, Ms. P[redacted] submitted an essay for academic credit in HUM B04, which was worth 30% of the final grade in that course. Ms. P[redacted] admitted that she committed plagiarism in that assignment, contrary to section B.I.1(d) of the *Code*. She also admitted that she had concocted references in that assignment, contrary to section B.I.1(f) of the *Code*.

6. On November 17, 2008, Professor Eleanor Irwin, the Dean's Designate at the University of Toronto Scarborough, advised Ms. P[redacted] that she would receive a mark of zero on double the value of the assignment in question as a penalty for having committed the academic offence. A copy of that letter is attached to this JSP at Tab 1.

7. Ms. P[redacted] acknowledges that she has signed this JSP freely and voluntarily, knowing of the potential consequences she faces.

Signed on June 8, 2011.

[redacted]

Signed on June 8, 2011.

Robert A. Centa
Assistant Discipline Counsel
University of Toronto