

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION**

IN THE MATTER OF charges of academic misconduct made on November 27, 2012 and amended on May 30, 2013;

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 [REDACTED] E [REDACTED]

REASONS FOR DECISION

Hearing Date: August 7, 2013

Members of the Panel:

Mr. Andrew Pinto, Barrister and Solicitor, Chair

Professor Pascal van Lieshout, Faculty of Medicine, Faculty Panel Member

Ms. Maria Wei, Student Panel Member

Appearances:

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

Ms. Danielle Muise, Legal Case Worker, Downtown Legal Services

In Attendance:

Professor Wayne Dowler, 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 August 7, 2013 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the "Code") laid against the Student by letter dated November 27, 2012 from Professor Edith Hillan, Vice-Provost, Faculty and Academic Life, as amended on May 30, 2013.
- [2] The Student and the University entered into an Agreed Statement of Facts ("ASF") and an Agreed Statement of Facts and 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:

POL 381 Charges

1. On or about August 16, 2012, you knowingly represented the ideas, or the expressions of the ideas of another as your own work in a reflection paper ("Reflection") that you submitted in the University of Toronto course POL 381, contrary to section B.I.1(d) of the Code.
2. On or about August 16, 2012, you knowingly submitted a Reflection in POL 381 that contained references to sources that had been concocted, contrary to section B.I.1(f) of the Code.
3. In the alternative, by submitting the Reflection in POL 381, 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, contrary to section B.I.3(b) of the Code.
4. On or about August 16, 2012, you knowingly represented the ideas, or the expressions of the ideas of another as your own work in Assignment 1 that

you submitted in the University of Toronto course POL 381, contrary to section B.I.1(d) of the Code.

5. On or about August 16, 2012, you knowingly submitted Assignment 1 in POL 381 that contained references to sources that had been concocted, contrary to section B.I.1(f) of the Code.

6. In the alternative, by submitting Assignment 1 in POL 381, 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, contrary to section B.I.3(b) of the Code.

7. On or about August 16, 2012, you knowingly represented the ideas, or the expressions of the ideas of another as your own work in Assignment 2 that you submitted in the University of Toronto course POL 381, contrary to section B.I.1(d) of the Code.

8. On or about August 16, 2012, you knowingly submitted Assignment 2 in POL 381 that contained references to sources that had been concocted, contrary to section B.I.1(f) of the Code.

9. In the alternative, by submitting Assignment 2 in POL 381, 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, contrary to section B.I.3(b) of the Code.

POL 410 Charges

10. On or about August 21, 2012 you knowingly represented the ideas, or the expressions of the ideas of another as your own work in an essay that you

submitted in the University of Toronto course POL 410, contrary to section B.I.1(d) of the Code.

11. On or about August 21, 2012, you knowingly submitted an essay in POL 410 that contained references to sources that had been concocted, contrary to section B.I.1(f) of the Code.

12. In the alternative, by submitting the essay in POL 410, 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, contrary to section B.I.3(b) of the Code.

Particulars

13. At all material times you were a student at the University of Toronto Scarborough.

14. In Summer 2012, you enrolled in POL 381, which was called Politics and the Idea of History, and which was taught by Prof. Christopher LaRoche and Prof. Jonas Schwab-Pflug.

15. As one of the requirements of POL 381, you were required to submit a reflection paper, which was worth 15% of the final grade, a first assignment worth 30% of the final grade, and a second assignment worth 30% of the final grade.

16. On August 16, 2012, you submitted your reflection paper and the two assignments.

17. In Summer 2012, you also enrolled in POL 410, which was called Topics in Comparative Policies III: Peasants in the Global Political Economy, and which was taught by Prof. Jordan Guthrie.

18. As one of the requirements of POL 410, you were required to submit a research essay, which was worth 40% of the final grade.

19. On August 21, 2012, you submitted an essay titled "Are Modifications to Gender and Land Reform Policies Achievable Answers for Agrarian Change?"

20. You knowingly submitted each piece of academic work:

- (a) to obtain academic credit;
- (b) knowing that it contained verbatim or nearly verbatim passages from other sources, which were not placed in quotation marks or properly attributed to their original sources;
- (c) knowing that it contained ideas or expressions of ideas which were not your own;
- (d) without including the actual sources you used in your bibliography;
- (e) knowing that it contained references to sources that were concocted or/and that you did not consult in order to obtain an academic advantage and for the purpose of attempting to conceal your plagiarism; and
- (f) with the intention that the University of Toronto rely on it as your own ideas in determining the appropriate academic credit to be assigned to the work.

[4] Discipline Counsel provided an overview of the ASF.

[5] The Student, via the ASF, entered a guilty plea to charges 1, 4, 7 and 10. The University withdrew the remaining charges.

Decision of the Tribunal on Charges

- [6] 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 the charges. Consequently, the Student stood convicted on charges 1, 4, 7 and 10.

Penalty

- [7] 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.
- [8] Discipline Counsel noted that plagiarism is a serious academic misconduct offence. A first conviction of plagiarism generally results in a minimum 2-year suspension from the University. Here the Student was being sanctioned for academic misconduct offences that occurred in two time periods: the present offences under charges 1, 4, 7 and 10 that occurred in August 2012; and a prior offence in Fall 2010, where the Student committed plagiarism in an assignment worth 10% of the final grade.
- [9] The Student cooperated by admitting her misconduct with respect to POL381 at the Dean’s Designate meeting although she continued to deny wrongdoing with respect to POL410 at that stage. Subsequently, the Student cooperated fully with the University by agreeing to the ASF and JSP with respect to both the POL381 and POL410 courses. Discipline counsel suggested that the Student’s ultimate admission of her misconduct and full cooperation, though late in the process, indicated a prospect of rehabilitation that permitted the parties to agree on a sanction that was significant, albeit not at the most serious end of the penalty spectrum.
- [10] The JSP proposed, *inter alia*, a four-year suspension from the University. Discipline Counsel also presented a number of Tribunal decisions and submitted that the penalty in the JSP was consistent with those decisions. Discipline Counsel reminded the Tribunal that it should show deference to the JSP unless very strong reasons existed to depart from the joint submission such as that adherence to the proposed penalty would bring the administration of justice into disrepute.
- [11] Counsel for the Student echoed the University’s submission that a JSP has a very high persuasive value and should not generally be disturbed. Student’s Counsel also indicated that the proposed four-year suspension,

coming as it did at a point when the Student had fulfilled all her requirements and was ready to graduate, was a significant penalty.

- [12] The panel noted that the misconduct herein involved wholesale plagiarism and non-attribution of work. The August 2012 multiple charges for which the Student stood convicted represented a second occasion that the Student had engaged in plagiarism. Troublingly, the Student did not come clean at the Dean's Designate meeting, still offering an unlikely defence for the POL410 paper. The Student's explanation was completely at odds with fairly obvious evidence of her plagiarism. Still, the Student cooperated fully with the ultimate disciplinary process that resulted in this hearing.
- [13] The panel concluded that the penalty proposed in the JSP was consistent with the serious nature of the Student's misconduct and that there was no principled reason to reject it. In any event, the proposed sanction was consistent with the Tribunal's jurisprudence.
- [14] 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 sanction:

1. **THAT** Ms. E [REDACTED] is found guilty of four counts of the academic offence of plagiarism, contrary to section B.I.1(d) of the Code of Behaviour on Academic Matters;

2. **THAT** the following sanctions shall be imposed on Ms. E [REDACTED]:

- (a) she shall receive a final grade of zero in each of the courses POL 381 and POL 410;
- (b) she shall be suspended from the University commencing August 7, 2013, for a period of 4 years; and
- (c) that a notation be placed on her academic record and transcript for a period of five years from the date of this order;

3. **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, with the name of the student withheld.

Dated at Toronto, this 26th day of September, 2013.



Andrew Pinto, Co-Chair

APPENDIX A

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on November 27, 2012,
and amended on May 30, 2013,

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 am.

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

S [REDACTED] E [REDACTED] ([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 S [REDACTED] E [REDACTED] ("Ms. E [REDACTED]") have prepared this Agreed Statement of Facts ("ASF") and joint book of documents ("JBD"). The Provost and Ms. E [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. E [REDACTED] admits that she received a copy of the amended charges filed by the Provost. The charges are included in the JBD at Tab 1.
3. Ms. E [REDACTED] admits that she received the notice of hearing for the hearing to be held on August 7, 2013, which is included in the JBD at Tab 2. She acknowledges that she received reasonable notice of the hearing.
4. The Provost agrees to withdraw charges 2, 5, 8, and 11.
5. Ms. E [REDACTED] waives the reading of the charges filed against her and pleads guilty to all remaining charges. The Provost agrees that if the Tribunal convicts Ms. E [REDACTED]:
 - (a) on charge 1, the Provost will withdraw charge 3;
 - (b) on charge 4, the Provost will withdraw charge 6;
 - (c) on charge 7, the Provost will withdraw charge 9; and
 - (d) on charge 10, the Provost will withdraw charge 12.
6. A copy of Ms. E [REDACTED]'s academic record dated May 22, 2013, is included in the JBD at Tab 3.

A. POL 381 – Politics and the Idea of History

7. In Summer 2012, Ms. E [REDACTED] enrolled in POL 381 – Politics and the Idea of History, which was taught by Professors Christopher David La-Roche and Jonas Schwab-Pflug. A copy of the course outline in POL 381 is included in the JBD at Tab 4. The academic requirements for POL 381 included:

- (a) a Reflection Paper, which was worth 15% of the final grade;
- (b) a First Short Paper, which was worth 30% of the final grade; and
- (c) a Second Short Paper, which was worth 30% of the final grade.

8. The course outline in POL 381 contained an express warning about the need for academic honesty:

Using the words, content, or ideas of others in written work for which you will receive credit in this course requires citing that work. This includes ideas or articles found on the internet. Failure to properly cite other people's words or ideas constitutes plagiarism and is a **very serious** academic offence, as are other forms of academic dishonesty. *If you are uncertain whether citation is needed, or how to cite properly, please consult the instructors.* See also the information at Writing at the University of Toronto: <http://www.writing.utoronto.ca/advice/using-sources/>. Ignorance of citation requirements does not constitute an excuse. [emphasis in original]

9. On August 16, 2012, Ms. E [REDACTED] submitted a Reflection Paper on Heidegger's Being and Time. A copy of the Reflection Paper is included in the JBD at Tab 5.

10. Except for some minor wording changes, and two or three original paragraphs, the Reflection Paper is identical or nearly identical to text found in several on-line sources. An annotated copy of the Reflection Paper, and the on-line sources from which it was generated, are included in the JBD at Tab 6.

11. With respect to the Reflection Paper, Ms. E [REDACTED] admits that she knowingly:
 - (a) included verbatim and nearly verbatim excerpts from the on-line sources;
 - (b) failed to attribute those verbatim and nearly verbatim excerpts appropriately using quotation marks;
 - (c) represented the ideas and work of others as her own;
 - (d) committed plagiarism contrary to section B.I.1(d) of the *Code*; 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.1(b) of the *Code*.
12. On August 16, 2012, Ms. E [REDACTED] submitted a First Short Paper on Marx's Economic & Philosophical Manuscripts of 1844 ("First Paper"). A copy of the First Paper is included in the JBD at Tab 7.
13. Except for some minor wording changes, and two or three original paragraphs, the First Paper is identical or nearly identical to text found in several on-line sources. An annotated copy of the First Paper, and the on-line sources from which it was generated, are included in the JBD at Tab 8.
14. With respect to the First Paper, Ms. E [REDACTED] admits that she knowingly:
 - (a) included verbatim and nearly verbatim excerpts from the on-line sources;

- (b) failed to attribute those verbatim and nearly verbatim excerpts appropriately using quotation marks;
 - (c) represented the ideas and work of others as her own;
 - (d) committed plagiarism contrary to section B.I.1(d) of the *Code*; 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.1(b) of the *Code*.
15. On August 16, 2012, Ms. E [REDACTED] submitted a Second Short Paper on Hegel's Phenomenology of Spirit ("Second Paper"). A copy of the Second Paper is included in the JBD at Tab 9.
16. Except for some minor wording changes, and two or three original paragraphs, the Second Paper is identical or nearly identical to text found in several on-line sources. An annotated copy of the Second Paper, and the on-line sources from which it was generated, are included in the JBD at Tab 10.
17. With respect to the Second Paper, Ms. E [REDACTED] admits that she knowingly:
- (a) included verbatim and nearly verbatim excerpts from the on-line sources;
 - (b) failed to attribute those verbatim and nearly verbatim excerpts appropriately using quotation marks;
 - (c) represented the ideas and work of others as her own;

- (d) committed plagiarism contrary to section B.I.1(d) of the *Code*; 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.1(b) of the *Code*.

B. *POL 410: Peasants in the Global Political Economy*

- 18. In Summer 2012, Ms. E [REDACTED] enrolled in POL 410: Peasants in the Global Political Economy, which was taught by Professor Jordan Guthrie. A copy of the course outline in POL 410 is included in the JBD at Tab 11. The academic requirements for POL 410 included a research paper worth 40% of the final grade in the course.
- 19. On August 21, 2012, Ms. E [REDACTED] submitted an essay titled "Are Modifications to Gender and Land Reform Policies Achievable Answers for Agrarian Change" ("Essay"). A copy of the Essay is included in the JBD at Tab 12.
- 20. Except for some minor wording changes, and a few original sentences, the Essay is identical to text found in Cheryl Walker's paper titled "Agrarian Change, Gender and Land Reform – A South African Case Study". A highlighted copy of the Walker paper from which the Essay was generated is included in the JBD at Tab 13.
- 21. With respect to the Essay, Ms. E [REDACTED] admits that she knowingly:
 - (a) included verbatim and nearly verbatim excerpts from the Walker paper;

- (b) failed to attribute those verbatim and nearly verbatim excerpts appropriately using quotation marks;
- (c) represented the ideas and work of Ms. Walker as her own;
- (d) committed plagiarism contrary to section B.I.1(d) of the *Code*; 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.1(b) of the *Code*.

C. *The meetings with the Dean's Designate*

22. On November 5, 2012, Ms. E [REDACTED] met with Prof. E.W. Dowler, Dean's Designate for Academic Integrity at the University of Toronto Scarborough. Ms. E [REDACTED] admits that Prof. Dowler provided the warning that was required to be given to her under the *Code*.
23. During that meeting, Ms. E [REDACTED] admitted that she committed plagiarism in POL 381, but she did not admit to committing plagiarism in POL 410. A copy of the letter sent to Ms. E [REDACTED] by Prof. Dowler on November 8, 2012, is included in the JBD at Tab 14. Ms. E [REDACTED] admits that the letter accurately summarizes what took place during her meeting with Prof. Dowler.

D. *Acknowledgments*

24. Ms. E [REDACTED] acknowledges that:
- (a) the Provost has advised Ms. E [REDACTED] of her right to obtain legal counsel and that Ms. E [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 August 7, 2013



S. E.

Signed on August 7, 2013



Robert A. Centa
Assistant Discipline Counsel
University of Toronto

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NO. 1

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO
AND

.....
This Exhibit is produced by
the UNIVERSITY
this 7 day of AUGUST, 2013...
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APPENDIX B

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on November 27, 2012, and amended on May 30, 2013,

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 am.

BETWEEN:

THE UNIVERSITY OF TORONTO

- and -

S [REDACTED] E [REDACTED]

AGREED STATEMENT OF FACTS AND JOINT SUBMISSION ON PENALTY

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 the penalty phase of this hearing, the Provost and S [REDACTED] E [REDACTED] ("Ms. E [REDACTED]") have prepared this Agreed Statement of Facts and Joint Submission on Penalty ("JSP") and have attached several documents to this JSP. The Provost and Ms. E [REDACTED] agree that:
 - a. each document attached to the JSP 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. E [REDACTED] admits that she has been sanctioned for academic misconduct on one prior occasion.
3. In Fall 2010, she enrolled in POLC40, which was taught by Professor Cochrane. Ms. E [REDACTED] admitted that she committed plagiarism in an assignment worth 10% of the final grade in POLC40. The Dean's Designate imposed a grade of zero on the assignment and a further reduction in grade equal to the value of the assignment. A copy of the decision letter from the Dean's Designate dated February 4, 2011, is attached to this JSP as Exhibit A.
4. The University of Toronto and Ms. E [REDACTED] submit to the Tribunal that the appropriate penalty in all the circumstances of this case is that:
 - a. a final grade of zero be assigned for each of: POL381H1 (20125) and POL410 (20125);
 - b. Ms. E [REDACTED] be immediately suspended from the University for a period of four years from the date of the order, and
 - c. a notation be placed on her academic record and transcript for a period of five years from the date of the order.
5. The University of Toronto and Ms. E [REDACTED] submit 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 the student's name withheld.
6. Ms. E [REDACTED] acknowledges that the University of Toronto has advised her to obtain independent legal advice before signing this Joint Submission on Penalty and that she has done so.

Signed in Toronto on 8/7, 2013.

[REDACTED]

S [REDACTED] E [REDACTED]

Signed in Toronto on 8/7, 2013.

[Signature]

Robert A. Centa

Assistant Discipline Counsel

University of Toronto

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NO. 3

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO
AND

..... [REDACTED]

This Exhibit is produced by

the UNIVERSITY

this 7 day of AUGUST, 20...13.

..... [Signature]