

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

IN THE MATTER OF charges of academic dishonesty filed on April 4, 2014,

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 –

DA Y ■ H ■ H ■

Hearing Date: June 13, 2014

Members of the Panel:

Ms. Sana Halwani, Barrister and Solicitor, Chair
Prof. Pascal Van Lieshout, Faculty Panel Member
Ms. Saneea Tanvir, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers
Prof. Eleanor Irwin, Dean's Designate
Dr. Brett Kingsbury, Sessional Instructor for VPMA69: Chamber Music

In Attendance:

Ms. Sinead Cutt, Administrative Assistant, Appeals, Discipline and Faculty Grievances

Not in Attendance:

Ms. D ■ Y ■ H ■ H ■, the Student

I. **Charges**

1. The Trial Division of the Tribunal held a hearing on June 13, 2014 to address the following charges brought by the University of Toronto (the "University") against D ■ Y ■ H ■ H ■ (the "Student") under the Code of Behaviour on Academic Matters (the "Code"):
 - 1) On or about August 8, 2012, you knowingly represented the ideas of another, or the expressions of the ideas of another as your own works in an essay (the "Essay") that you submitted in partial completion of the course requirements of VPMA69, contrary to section B.I.1(d) of the Code.
 - 2) In the alternative, on or about August 8, 2012, by submitting the Essay, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code to obtain academic credit or other academic advantage of any kind, contrary to section B.I.3(b) of the Code.

II. **Notice to the Student of the Hearing**

2. The Hearing was called for 9:45am and the Student did not appear at that time. The Tribunal therefore recessed for approximately 25 minutes to allow for a late arrival by the Student.
3. The Panel was satisfied that the Student had been properly served, had received notice of the hearing, and that it had the jurisdiction to proceed without the Student in attendance for the following reasons:
 - a. the University has a clear policy on official correspondence that places the onus on students to maintain and advise the University on the University information system (ROSI) of a current and valid postal address, as well as email address;
 - b. the charges and notices of hearing were emailed to the Student at the email address listed on ROSI; and
 - c. Prof. Irwin, the Dean's Designate, testified that her office had made several attempts to reach the Student and invite her to make an appointment to discuss the alleged plagiarism, including a phone message left with her mother and a

letter sent to the Student's address on ROSI by registered mail, without receiving any response from the Student.

III. **Summary of Facts**

4. The Panel heard from Dr. Kingsbury, the Sessional Instructor for VPMA69: Chamber Music (the "Course").
5. Dr. Kingsbury testified that the Course was a performance course that included written assignments, including a final paper of five to six pages worth 15% of the final mark, which had to include a research component.
6. The syllabus for the Course produced by Dr. Kingsbury included an "Academic Integrity Statement", which warned students that using someone else's ideas or words in papers or assignments without appropriate acknowledgment was an academic offence. The Panel was also told that Dr. Kingsbury gave a lecture to the students in the Course on the difficulties of writing about music and highlighted issues of plagiarism and academic dishonesty in that lecture.
7. Dr. Kingsbury further testified that he graded the papers in August 2012 once they were submitted and noticed some stylistic discrepancies in the Student's paper in the form of some polish of prose, and some details about the music, that were not expected. Because of these discrepancies, Dr. Kingsbury copied and pasted a sentence from the paper into Google and discovered verbatim sources that were not cited by the Student in her paper.
8. The Panel was provided with a highlighted version of the Student's paper that showed that almost the entirety of the paper (at least 80%) was stitched together from internet sources. The text taken from these sources was verbatim or near verbatim but was not marked by quotation marks, and many of these sources were not cited in the paper.
9. On August 31, 2012, Dr. Kingsbury emailed the Student to ask her to come in for a meeting to discuss her paper. He did not hear back from her for some time and so submitted a report on the suspected plagiarism to the Chair of the Music Department. As is set out above, the Dean's Designate made numerous attempts to schedule a meeting with the Student to discuss the alleged offence, but the Student never responded. The matter has therefore come before the Panel.

IV. Finding on Charges

10. Following deliberation and based on the testimony of Dr. Kingsbury and the facts in the Book of Documents, the Panel concluded that charge 1 had been proven. Given that finding of guilt the University withdrew charge 2.

V. Penalty

11. Counsel for the University submitted that a final grade of zero on the Course, a suspension of two years and a notation on the Student's transcript until graduation was an appropriate penalty.
12. Counsel focussed on the following characteristics of the Student's circumstances as relevant to penalty:
 - a. The Student had no prior academic offences;
 - b. The Student had only committed one act of dishonesty; however that one act constituted extensive plagiarism; and
 - c. The Student refused to attend a meeting with the Dean's designate.
13. Counsel acknowledged that this was a relatively routine case of plagiarism and that, had the Student attended a meeting with the Dean's designate, she would not have faced a suspension and would likely have only received a mark of zero on the course.
14. Counsel for the University then took the Panel to the case of *The University of Toronto and Mr. C* (Case No. 741; March 20 2014), which had similar circumstances and in which case a two-year suspension was ordered.
15. Counsel provided submissions that – although not binding on the Panel – a suspension of two years was “normal” for a first offence, unless mitigating or aggravating factors were present.
16. Counsel for the University also took the Panel to the case of *The University of Toronto and Mr. S*, (Case No. 697; August 8, 2013), in which a three year suspension was ordered in the case of a student's first offence because of aggravating circumstances, namely misconduct during the hearing and intent to mislead the Tribunal. Counsel contrasted *Mr.*

S. to this case in which no aggravating circumstances existed beyond the Student's lack of attendance.

17. The Panel therefore saw fit to impose a suspension of two years as sought by the University.

VI. Decision of the Panel

18. At the conclusion of the hearing, the Panel conferred and made the following order:

- a. the hearing may proceed in the absence of the Student;
- b. the Student is found guilty of one count of the academic offence of plagiarism, contrary to section B.I.1(d) of the Code of Behaviour on Academic Matters;
- c. the following sanctions shall be imposed on the Student:
 - i. she shall receive a final grade of zero in VPMA69;
 - ii. she shall be suspended from the University for a period of two years, from June 13, 2014 until June 13, 2016; and
 - iii. a notation shall be placed on her academic record and transcript until the day she graduates from the University of Toronto;
 - iv. 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, July 30, 2014



Sana Halwani, Co-Chair