

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on February 10, 2015

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 -

P [REDACTED] T [REDACTED]

REASONS FOR DECISION

Date of Hearing: May 19, 2015

Members of the Panel:

Mr. John A. Keefe, Barrister and Solicitor, Chair
Professor Graeme Hirst, Faculty Panel Member
Mr. Jeffery Couse, Student Panel Member

Appearance

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Barristers
Ms. Julia Wilkes, Lawyer for the Student, Wardle Daley Bernstein Bieber LLP

In Attendance:

Ms. P [REDACTED] T [REDACTED], the Student
Ms. Lucy Gaspini, Manager, Academic Integrity and Affairs, University of Toronto, Mississauga
Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances, Governing Council
Ms. R [REDACTED] T [REDACTED], Observer

INTRODUCTION

1. The University Tribunal was convened on Tuesday, May 19, 2015 to hear five charges under the University of Toronto Code of Behaviour on Academic Matters, 1995 (the “**Code**”) laid against the student (the “**Student**”) by letter dated February 10, 2015, from Professor Sioban Nelson, Vice-Provost, Faculty & Academic Life (“**Charges**”).
2. The Tribunal was advised that the matter would proceed on the basis of an Agreed Statement of Facts, and a Joint Submission on Penalty, both dated May 19, 2015.
3. The Student was present at the hearing and represented by counsel. Her twin sister, R [REDACTED] T [REDACTED] was also present.
4. Originally, the charges were brought against both the Student and R [REDACTED] T [REDACTED]. At the outset of the hearing, the Tribunal was advised that the charges against R [REDACTED] had been withdrawn and that she would be pleading guilty to one or more of the charges at the Decanal level. The Tribunal was also advised that the Student would be pleading guilty to charges 1, 2 and 4 and that, upon the Tribunal finding the Student guilty on those charges, charges 3 and 5 would be withdrawn.

THE CHARGES

5. The charges against the Student are as follows:
 1. On or about January 16, 2014, you knowingly represented the ideas of another, or the expression of the ideas of another as your own work in Assignment 2 that you submitted in partial completion of the course requirements in ENV/POL250Y5Y (the “**Environmental Politics Course**”), and/or you knowingly aided or assisted R [REDACTED] T [REDACTED] to represent the ideas of another, or the expression of the ideas of another as her own work in Assignment 2, contrary to sections B.I.1(d) and/or B.II.1.(a) of the *Code*.
 2. On or about January 16, 2014, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with Assignment 2

in the Environmental Politics Course, and/or you knowingly aided or assisted R [REDACTED] a T [REDACTED] to use an unauthorized aid or obtain unauthorized assistance in Assignment 2, contrary to sections B.I.1(b) and/or B.II.1(a) of the *Code*.

3. In the alternative to paragraphs 1 and 2, on or about January 16, 2014, by submitting Assignment 2 in the Environmental Politics Course, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation and otherwise described in the *Code* to obtain academic credit or other academic advantage of any kind, contrary B.I.3(b) of the *Code*.
4. On or about June 19, 2014, you knowingly represented the ideas of another, or the expression of the ideas of another as your own work in Assignment 2 that you submitted in partial completion of the course requirements in GGR208H5F (the "Geography Course"), contrary to section B.I.1(d) of the *Code*.
5. In the alternative to paragraph 4, on or about June 19, 2014, by submitting Assignment 2 in the Geography Course, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation and otherwise described in the *Code* to obtain academic credit or other academic advantage of any kind, contrary B.I.3(b) of the *Code*.

THE AGREED STATEMENT OF FACTS

6. The Agreed Statement of Facts was marked as Exhibit 1. It was signed by counsel for the University and the Student. The Student acknowledged that the facts set out in the Agreed Statement of Facts were true.

ENVIRONMENTAL POLITICS – CHARGES 1 AND 2

7. In 2013/2014 Fall Winter Term, the Student was enrolled in ENV250Y5 Environmental Politics in Canada (the "Course"). The Student and her sister were enrolled in the course at the same time.

8. As part of the course requirements, students were required to submit three written assignments each worth 3 1/3 percent.
9. Assignment 2 was due on January 16, 2014. The assignment involved identifying citation errors in a list of citations and correcting them. Part two of the assignment required the students to correctly cite a list of books and articles.
10. The Student and her sister each submitted identical assignments that contained a few identical errors.
11. The assignment was due on January 16, 2014. Upon review it was determined that the Student and her sister had collaborated on the assignment. On September 29, 2014, the Student attended a meeting with the Dean's Designate and explained that she provided aid and assistance to her sister by editing and changing her sister's assignment and submitting the edited and changed version on her sister's behalf.
12. At the hearing, it was acknowledged by counsel for the Student that R [REDACTED] had also admitted guilt and would be dealt with in a separate proceeding.
13. The essence of the offence is that the Student aided and abetted R [REDACTED] in committing the offence of plagiarism, contrary to section B.I.1(d) and B. II. 1(a) of the Code. At the same time, the same acts in question also involved aiding and abetting R [REDACTED] to use unauthorized assistance from the Student in completing assignment 2, contrary to s. B.I. 1 (b) and section B. II. 1(a) of the Code.
14. University counsel acknowledged that, although there are two charges, they relate to one act. The Tribunal considered the conduct to involve one act of wrongdoing that constituted offences under two separate provisions of the Code. After reviewing the particulars set out in the Agreed Statement of Facts, the Tribunal asked the Student to confirm that she agreed to the facts as set out in the Agreed Statement of Facts. The Student acknowledged the facts and pleaded guilty to charges 1 and 2. The Tribunal deliberated and concluded that it was prepared to accept the Student's guilty plea and found the Student guilty on counts 1 and 2. University counsel then withdrew count 3.

POPULATION GEOGRAPHY - CHARGE 4

15. The Student was enrolled in GGR208H5F - Population Geography ("Geography Course") in the summer term 2014.
16. As part of the course requirements, the Student was required to submit a written assignment on June 19, 2014 for an academic credit representing 25 percent of her final grade.
17. The assignment submitted by the Student contained numerous words and expressions of idea that were verbatim or nearly verbatim from a text of an unattributed third party sources.
18. The Student submitted the assignment to the computer program Turnitin which showed that approximately nineteen percent of the words in the assignment were taken from unattributed sources.
19. In the Agreed Statement of Facts, the Student admitted that she knowingly committed plagiarism in submitting the assignment, contrary to section B.I.1(d) of the Code.
20. After reviewing the facts as set out in the Agreed Statement of Facts, the Student acknowledged that the facts were substantially correct and she pleaded guilty to charge 4.
21. The Tribunal deliberated and concluded that it was prepared to accept the Student's guilty plea and found the Student guilty on the count 4. The University counsel then withdrew count 5.

JOINT SUBMISSION ON PENALTY

22. The parties submitted a Joint Submission on Penalty dated May 19, 2015. They also submitted an Agreed Statement of Additional Facts for Sanction, dated May 19, 2015 signed by University counsel and the Student.
23. In the Joint Submission on Penalty, the University and the Student jointly submitted that that the appropriate penalty in all the circumstances would be as follows:

- (a) a final grade of zero in:

ENV250Y5 in the Winter 2014 term; and

GGR208H5 in the Summer 2014 term;

- (b) a suspension from the University to commence May 1, 2015, and end April 30, 2018; and

- (c) a notation of the sanction on the Student's academic record and transcript from the date of the Order until April 30, 2019 or her graduation from the University, whichever occurs first.

24. The Parties further submitted that it would be appropriate for the Tribunal to report this case to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University newspapers, with the name of the student withheld.
25. The Student acknowledged that she had signed the Joint Submission on Penalty and the Agreed Statement of Additional Facts for Sanction freely and with the advice of outside legal counsel.
26. The Agreed Statement of Additional Facts for Sanction indicate that the Student had been disciplined on a prior occasion in 2011 in respect of a charge of plagiarism, and, more specifically, that she submitted work for academic credit in ANT208H5 in 2011 from published sources that was unacceptably similar to an assignment submitted by her sister R [REDACTED].
27. The offence was dealt with at the Decanal Level. The Dean's Designate imposed a sanction of a grade of zero for the assignment and a six month notation on the Student's transcript from March 14, 2012 to September 14, 2012.
28. At the time that offence, was disposed of, the Student received a letter dated March 21, 2012 from the Vice-Dean Undergraduate of the University of Toronto Mississauga that stated as follows:

I trust that you have had time to reflect on the seriousness of this incident and will not commit another academic offence. Please be advised that any subsequent allegations of offence are usually referred to directly to the Tribunal for investigation. I urge you to do everything in your power to make success of your academic career at the University of Toronto, Mississauga.

29. Included in the Agreed Statement of Additional Facts for Sanction, was evidence of mitigating circumstances. At the time of these offences and at the present time, both of the Student's parents were unemployed. The Student and her two sisters were required to contribute to the family expenses by working approximately forty hours per week at two jobs at the relevant time of the offences. In early January, 2014, the Student's parents and her two sisters had to travel to India to care for an ailing uncle who was severely developmentally handicapped and had become paralyzed. So, at the time of the first offence in January 2014, the Student was registered as a fulltime student and working fulltime. At the time of the second offence, she was working part-time. Her uncle passed away in October 2014. The Student's parents were unable to make ends meet and were forced to sell their house in November 2014.

DECISION ON PENALTY

30. After considering the Agreed Statements of Additional Facts for Sanction including the evidence of the mitigating circumstances and the Joint Submission on Penalty, and the submissions of counsel for the University and counsel for the Student and reviewing the authorities provided by University counsel, the Tribunal concluded that it would accept the recommended sanctions.
31. The factors to be considered in determining penalty are well-established
- (a) the character of the person charged;
 - (b) the likelihood of a repetition of the offence;
 - (c) the nature of the offence committed;
 - (d) any extenuating circumstances surrounding the commission of the offence;
 - (e) the detriment to the University occasioned by the offence.

(f) the need to deter others from committing a similar offence.

(see *In the matter of the University of Toronto Code of Behaviour, an appeal by Mr. C*, [Case No. 1976/77-3; November 5, 1976] page 12.)

32. The Student attended the hearing. She acknowledged her guilt. She admitted, at an early stage in both cases, that she had committed the acts in question. The mitigating circumstances were significant and they were carefully considered by the Tribunal.
33. The Tribunal acknowledged that this was a repeat offence of a similar nature to that which the Student had been found guilty of at an earlier occasion and that she had been warned that a repeat offence would lead to more serious consequences.
34. The Tribunal concluded that the sanctions proposed in the Joint Submission on Penalty were reasonable and that there was no basis to reject the penalty recommended in the Joint Submission on Penalty. The Tribunal was directed to several cases where it is clearly established that the Tribunal should only reject a Joint Submission on Penalty where it is truly unreasonable or unconscionable (see *University of Toronto and Maliha Obaid*, November 12, 2012, where the following is stated:

The Tribunal was mindful that in general, a Joint Submission in this context should be accepted by the Tribunal unless to do so “ would be contrary to the public interest or bring the administration of justice into disrepute if effect was given to the Joint Submission (see also R. v. Tsicos, 2006 CANLI 33849 (Ont. C.A. per Cronk J. A.))”

35. After careful consideration, the Tribunal did not consider that it would be contrary to the public interest or bring an administration of justice into disrepute if the Joint Submission on Penalty was accepted.

ORDER

36. At the conclusion of the hearing, the Tribunal made the following order:
 - (a) THAT the Student is guilty on counts 1, 2 and 4;
 - (b) THAT the Tribunal imposes the following sanctions on the Student:
 - a. a final grade of zero in:

- i. ENV250Y5 in the Winter 2014 term; and
- ii. GGR208H5 in the Summer 2014 term;
- b. a suspension from the University to commence May 1, 2015, and to end April 30, 2018; and
- c. a notation of the sanction on her academic record and transcript from the date of the Order until April 30, 2019 or her graduation from the University, whichever occurs first.
- d. That this case should be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed in the University newspapers, with the name of the Student withheld.

Dated at Toronto, this ^{6th} day of July, 2015.



John A. Keefe, Chair