

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

IN THE MATTER OF charges of academic dishonesty made on February 4, 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 –

X [REDACTED] W [REDACTED]

REASONS FOR DECISION

Date of Hearing: Thursday, June 11, 2015

Members of the Panel:

Mr. Jeffrey S. Leon, Lawyer, Chair
Professor Michael Evans, Department of Computer and Mathematical Sciences
University of Toronto Scarborough, Faculty Panel Member
Ms. Alice Zhu, Student Panel Member

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Ms. Lucy Gaspini, Manager of Academic Integrity and Affairs, University of Toronto
Mississauga
Professor Marleen Rozemond, Course 210Y5Y:17th and 18th Century Philosophy

In Attendance:

Ms. Virginia Fletcher, Law Clerk, Paliare Roland Rosenberg Rothstein LLP
Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances,
Governing Council
Ms. Joanne Deboehmler, Appeal, Discipline and Faculty Grievances, Observer

Not in Attendance:

Mr. X [REDACTED] W [REDACTED], the Student

Preliminary Matters

1. This matter came before the University Tribunal on June 11, 2015 to consider charges under the University of Toronto *Code of Behavior on Academic Matters*, 1995 (the "**Code**") pursuant to a Notice of Hearing dated May 5, 2015 scheduling the hearing for Thursday, June 11, 2015 at 1:45 p.m. Attached to the Notice of Hearing is a copy of a letter dated February 4, 2015 from Professor Sioban Nelson, Vice-Provost, Faculty & Academic Life which appended the Charges against the Student (with particulars). The Charges alleged plagiarism with respect to three separate assignments submitted in partial completion of the course requirements in PHL210Y5: 17 and 18th Century Philosophy (the "**Course**"), contrary to section B.I.1(d) of the Code. The Student did not attend at the appointed time. The Panel waited approximately 30 minutes and the Student had still not appeared.

2. Discipline Counsel proposed that the hearing proceed in the Student's absence. In support, the Affidavit of Virginia Fletcher sworn June 11, 2015 was filed as Exhibit "1". Ms. Fletcher was also in attendance at the hearing. The Affidavit detailed the various attempts made to contact the Student in connection with this matter, going back to an e-mail dated May 27, 2014 inviting the Student to meet with the Dean's designate. Since an initial without prejudice meeting with the instructor regarding an allegation of plagiarism, the Student has been non-responsive. In addition to attempts to contact the Student by e-mail regarding the Hearing, material has been delivered to his last known address by courier, further e-mails have been sent and attempts have been made to contact the Student by phone.

3. The Panel concluded that the efforts made to contact the Student regarding the hearing have been more than reasonable. Students enrolled at the University are required to maintain current contact information in their ROSI records in accordance with the University's policy on official correspondence with students. There was evidence that the student had logged on to ROSI during the period when e-mails had been sent to him regarding this matter, from which it can be inferred that he had seen, or should have seen, the emails regarding this matter in general and the Hearing in particular.

4. It should be noted that for the past year, the Student has been under academic suspension.

5. On the basis of the e-mails sent, the fact that the student had logged on to ROSI during the relevant period, the fact that a courier package was accepted and signed for by an individual with the same first name as the Student and the other matters detailed in Ms. Fletcher's Affidavit, the Panel was satisfied that the Student received reasonable notice of this hearing in accordance with the provisions of the Code and the *Statutory Powers Procedure Act*. As a result, the Panel ordered that the Hearing proceed in the Student's absence.

The Charges

6. For present purposes, the first, third and fifth charge are relevant:

- (i) **Charge 1:** On or about November 6, 2013, you knowingly represented the ideas of another, or the expression of the ideas of another as your own

work in an assignment entitled: Rewrite of Paper 2: Descartes and Princess Elisabeth – Soul and Mind Dualism Question and Answer” (“Descartes Assignment”) that you submitted in partial completion of the course requirements in PHL210Y5: 17 and 18th Century Philosophy (the “Course”), contrary to section B.I.1(d) of the Code.

- (ii) **Charge 3:** On or about November 20, 2013, you knowingly represented the ideas of another, or the expressions of the ideas of another as your own work in an assignment entitled “Locke Paper” that you submitted in partial completion of the course requirements in the Course, contrary to section B.I.d1(d) of the Code.
- (iii) **Charge 5:** On or about December 6, 2013, you knowingly represented the ideas of another, or the expressions of the ideas of another as your own work in an assignment entitled “Locke Rewrite” that you submitted in partial completion of the course requirements in the Course, contrary to section B.I.d1(d) of the Code.

The Evidence

7. Professor Marleen Rozemond was called as a witness. Professor Marleen Rozemond is a Professor of Philosophy at the University and taught PHL210Y5Y during the 2013/2014 term. The Course Syllabus refers to the three assignments that are the subject matter of the Charges. The Syllabus advises students that they will be required to submit course essays to Turnitin.com for “a review of textual similarity and detection

of possible plagiarism." The Course Syllabus also sets out the following paragraph relating to plagiarism:

Plagiarism: *By university regulation, plagiarism will automatically be reported to the Dean. Plagiarism is presenting someone else's ideas or words as if they are your own. You may use ideas and examples that come from others, but you must make clear that you are doing so. It is acceptable to quote, but when you do so, you must clearly indicate that you are doing so, and quotes must be relatively short.*

8. The instructions with respect to the assignments in issue also refer to the submission of papers to Turnitin.com and remind students to "please re-read the items about deadlines and plagiarism on the course syllabus." One of the assignments provided that secondary sources should not be used. Professor Rozemond also testified that she had talked about plagiarism in class and that it was her practice for each assignment to caution students regarding plagiarism.

9. The three assignments were marked as exhibits. The third assignment was a re-write of the second assignment. It was after a review of the third assignment that a Teaching Assistant alerted Professor Rozemond to a possible problem with plagiarism. All three assignments were then reviewed. Professor Rozemond looked at the Turnitin reports and reviewed the primary sources referred to in those reports. For all three assignments there was substantial similarity between the assignment and one or more of the primary sources reviewed. The Turnitin reports and the relevant primary sources were also marked as exhibits.

10. Professor Rozemond had a without prejudice conversation with the Student. Professor Rozemond testified that having reviewed the papers, and the primary sources, she was satisfied that all three assignments contained inappropriate plagiarism and that changes were made to quotes from the primary sources to indicate that the use of these sources was not inadvertent. She also testified that reviewing the changes to the quotes indicated that the student had a good grasp of the English language.

11. The Panel considered Professor Rozemond's evidence and reviewed the assignments and the primary sources. The Panel was satisfied that in each of the three assignments, there was significant plagiarism and that this plagiarism was intentional. The extent and nature of the plagiarism precluded any possibility that this inappropriate and dishonest conduct was the result of a mere error or a simple lack of proper attribution. The Panel was also satisfied that there was no evidence to suggest that this conduct was the result of a failure on the Student's part to understand the English language with sufficient proficiency. The Panel noted that one assignment prohibited the use of secondary sources. Further, changes made by the Student to the plagiarized quotes were sophisticated and well thought out. For example, the following sentence appeared in a secondary source:

*If the doctrine of reincarnation allows the soul of a man to be reborn in the body of an animal, such as a **hog**, if we knew that the soul of a man was in one of our **hogs**, it would require us to call the **hog** a man.*

12. In the assignment, the Student changed the word "hog" to "dog" as follows:

*If the doctrine of reincarnation allows the soul of a man to be reborn in the body of an animal, such as a **dog**, if we knew that the soul of a man was in one of the **dogs**, it would require us to call the dog a man and not a **dog**.*

Decision of the Tribunal

13. On this basis, the Panel found the Student guilty of Charges 1, 3 and 5. Counsel then withdrew Charges 2, 4 and 6.

Sanction

14. Counsel for the University submitted that the appropriate penalty under these circumstances was:

- (i) a mark of zero in the course PHL210Y5 in 2013 Fall;
- (ii) a suspension of three years from today for academic misconduct;
- (iii) a notation be recorded on Mr. W■■■■'s academic record and transcript to the effect that he was sanctioned for academic misconduct, for the earlier of four years or his graduation;
- (iv) this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the name of the Student withheld.

15. The Student had no prior offenses. Under the circumstances, without evidence from the Student, the Panel had no basis to consider any relevant mitigating factors

which might influence the appropriate sanction, such as relating to the Student's character, any extenuating circumstances regarding the Student's situation at the time of the commission of the offenses, or any comprehension issues on the part of the Student. The Panel also could not determine whether there is any reason not to suspect that there would be a repetition of offenses.

16. The Authorities filed by Counsel support the proposition that the appropriate starting point for a single offense of plagiarism is a two-year suspension.

17. Here, counsel submitted, and the Panel agreed, there were a number of aggravating factors:

- (i) There were three plagiarized papers submitted;
- (ii) The conduct of the Student demonstrated a deliberate attempt to hide the plagiarism;
- (iii) The Student disregarded the discipline process in its entirety and failed to respond throughout; and
- (iv) The Student demonstrated no accountability and no remorse;

18. While the Authorities must each be considered on their own facts, based on the Panel's review of the Authorities and Counsel's submissions, on the facts of the present case, a three-year suspension is both reasonable and appropriate.

19. This Tribunal has commented on numerous occasions on the seriousness of the offense of plagiarism. Plagiarism goes to the heart of the academic integrity of the

University community and is inconsistent with the relationship of trust between the University and its students. The means of plagiarism (with access to the Internet) and the means of detection (such as Turnitin.com) have become increasingly sophisticated. This type of conduct seems to continue unabated. It is important under these circumstances for this Tribunal to continue to denounce and penalize such dishonest conduct and it is important to do so in a reasoned, principled and consistent manner. The sanctions requested by the University in this case meet those criteria. The sanctions represent adequate and appropriate recognition of the factors of general and specific deterrence and strikes the appropriate balance consistent with the principles expressed in prior cases.

20. On that basis, the following Order was made:

- (i) **THAT** the Student is guilty of three counts of plagiarism contrary to section B.I.1(d) of the *Code of Behaviour on Academic Matters*;
- (ii) **THAT** the Student receive a final grade of zero in the course PHL210Y5 in 2013 Fall;
- (iii) **THAT** the Student be suspended from the University for a period of 3 years, commencing on June 11, 2015 and ending on June 10, 2018;
- (iv) **THAT** the sanction be recorded on the Student's academic record and transcript to the effect that he was sanctioned for academic misconduct, for a period of 4 years from the date of this Order, to June 10, 2019, or until his graduation from the University, whichever is earlier.

- (v) **THAT** this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the name of the Student withheld.

Dated at Toronto, this 16th day of July, 2015



Mr. Jeffrey Leon, Chair