

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on December 8, 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 -

[REDACTED] M [REDACTED] G [REDACTED]

Dates of Hearing: March 9, 2015, and August 11, 2015

Members of the Panel:

Ms. Lisa Brownstone, Barrister and Solicitor, Chair
Dr. Chris Koenig-Woodyard, Faculty Panel Member
Mr. Adam Wheeler, Student Panel Member

Appearances:

March 9 & August 11, 2015: Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Barristers

August 11, 2015: Ms. Tegan O'Brien, Legal Caseworker for the Student, Downtown Legal Services
Ms. Naomi Mares, Assisting, Legal Caseworker for the Student, Downtown Legal Services

In Attendance:

March 9 & August 11, 2015: Ms. [REDACTED] M [REDACTED] G [REDACTED], the Student
Mr. G [REDACTED] V [REDACTED], Father of the Student
Ms. Lucy Gaspini, Manager, Academic Integrity & Affairs, UTM

March 9, 2015: Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

August 11, 2015: Ms. Sharice Annis, Observer, Student Social Worker, Downtown Legal Services

August 11, 2015: Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances

Preliminary

[1] The Trial Division of the University Tribunal was convened on March 9, 2015, to consider charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the “Code”), laid against the student by letter dated December 8, 2014, from Professor Sioban Nelson, then Interim Vice-Provost, Faculty & Academic Life.

Hearing on the Facts

[2] The charges facing the student were the following:

- (1) On or about February 28, 2014, Ms. M■■■■ G■■■■ knowingly represented the ideas, or the expression of the ideas, of another as your own work in Assignment 2 that you submitted in BIO153H5 – Diversity of Organism (the “Biology Course”), contrary to section B.I.1(d) of the *Code*.
- (2) In the alternative to paragraph 1, on or about February 28, 2014, you knowingly obtained unauthorized assistance in connection with Assignment 2 that you submitted in the Biology Course, contrary to section B.I.1(b) of the *Code*.
- (3) On or about March 27, 2014, you knowingly falsified a document or evidence required by the University of Toronto, or uttered, circulated, or made use of any such falsified document, namely, a Data Sheet which formed part of Experiment 5 that you submitted in CHM120H5 – Chemical Principles 2 (“Chemistry Course”), contrary to section B.I.1(a) of the *Code*.
- (4) On or about March 27, 2014, you knowingly submitted academic work containing a purported statement of fact which had been concocted in a Data Sheet which formed part of Experiment 5 that you submitted in the Chemistry Course, contrary to section B.I.1(f) of the *Code*.
- (5) In the alternative, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind, contrary to section B.I.3(b) of the *Code*, in respect of:
 - (a) the submission of Assignment 2 in the Biology Course on or about February 28, 2014;
 - (b) the submission of the Data Sheet which formed part of Experiment 5 in the Chemistry Course on or about March 27, 2014.

[3] Particulars of the charges were as follows:

- (1) At all material times you were a student enrolled at the University of Toronto Mississauga.
- (2) In the 2014 Winter term you were enrolled in the Biology Course, which was taught by Christoph Richter.
- (3) On or about February 28, 2014, you submitted Assignment 2 which was worth 3% of your final grade in the Biology Course.
- (4) You submitted Assignment 2 to obtain academic credit.
- (5) You submitted Assignment 2 knowing that it contained verbatim or nearly verbatim text from an assignment submitted by another student in the Biology Course named Ishara Wijekoon;
- (6) You submitted Assignment 2 knowing that it contained ideas or expressions of ideas which were not your own, but which were the ideas or expressions of ideas of Ms. Wijekoon, without giving proper attribution Ms. Wijekoon.
- (7) You knowingly obtained unauthorized assistance in connection with Assignment 2 from Ms. Wijekoon.
- (8) You submitted the Assignment 2 with the intention that, when evaluating Assignment 2, the University of Toronto would rely on Assignment 2 as containing your own ideas that you had expressed in your own words.
- (9) In Winter 2014 you were also enrolled in the Chemistry Course, which was taught by Thottackad Radhakrishnan.
- (10) On March 27, 2014, you submitted an experiment in the Chemistry Course titled Experiment 5: Oxidation of Ethanol by Chromium (VI) which was worth 5% of your final grade in the Chemistry Course. You submitted as part of Experiment 5 two pages entitled Data Sheet dated 27/03/2014.
- (11) You knowingly forged the signature of Stephen Ho, the Tutorial Assistant in your Lab Section, on the Data Sheet.
- (12) You knowingly concocted, altered or misrepresented the data contained on the Data Sheet.
- (13) You knowingly submitted the forged signature and false data in an attempt to obtain academic credit or other academic advantage.

- [4] At the outset, Ms. Harmer on behalf of the Provost indicated that the University's intention was to proceed with charges 1, 3, and 4, and not with the "alternative" charges in paragraphs 2 and 5, unless it became evident that there was a need to do so.
- [5] The Student admitted that she had committed the offences as set out in paragraphs 1, 3, and 4.

The Evidence

- [6] Discipline Counsel for the University, Ms. Harmer, introduced a Joint Book of Documents which contains the charging documents and other relevant information, (Exhibit 1) and an Agreed Statement of Facts (Exhibit 2). The agreed-upon facts are substantially reproduced below:

Guilty plea

- (1) Ms. M■■■ G■■■ admits that she received a copy of the charges filed by the Provost, which are included in the JBD at Tab 1.
- (2) Ms. M■■■ G■■■ hereby pleads guilty to charges #1, #3 and #4.
- (3) The Provost hereby withdraws charges #2 and #5.
- (4) Ms. M■■■ G■■■ further admits that she received the Notice of Hearing for March 9, 2015, which is found in the JBD at Tab 2.

Background

- (5) Ms. M■■■ G■■■ has been a registered student at the University of Toronto Mississauga since Fall 2013. As of February 26, 2015 she had earned 7.0 credits, with a cumulative grade point average of 1.73. A copy of her ROSI transcript as of February 26, 2015 is found in the JBD at Tab 3.

The Biology Course

- (6) In Winter 2014, Ms. M■■■ G■■■ enrolled in BIO153H5 – Diversity of Organism (the "Biology Course"), which was taught by Professor Christoph Richter. A copy of the course syllabus for the Course is found in the JBD at Tab 4.
- (7) Students in the Biology Course were required to submit four assignments, each worth 3% of the Biology Course mark. Assignments were required to be submitted through Turnitin.com ("Turnitin") on Blackboard.
- (8) Assignment 2 was due on or about February 25, 2014. It was worth 3% of Ms. M■■■ George's final grade in the Biology Course. A copy of the information

provided to Ms. M■■ G■■ describing the requirements of Assignment 2 is found in the JBD at Tab 5.

- (9) On February 28, 2014, Ms. M■■ G■■ submitted a copy of her Assignment 2 through Turnitin on Blackboard. A copy of Ms. M■■ George's Assignment 2 is found in the JBD at Tab 6.
- (10) A Turnitin report for Assignment 2 revealed a 53% similarity index with an assignment submitted by another student with the initials I.W. in the Biology Course. A copy of the Turnitin report for Assignment 2 is included in the JBD at Tab 7. A copy of the essay that was submitted by I.W. in the Biology Course is included in the JBD at Tab 8. A copy of the Turnitin report for I.W.'s assignment 2 is included in the JBD at Tab 9.
- (11) Ms. M■■ G■■ met with Professor Richter on March 7, 2014 to discuss the results of the Turnitin.com analysis and Professor Richter's concerns that Ms. M■■ G■■ had obtained unauthorized aid and plagiarized Assignment 2.
- (12) Ms. M■■ G■■ admits that she obtained unauthorized assistance and committed plagiarism in respect of Assignment 2. Ms. M■■ G■■ admits that she submitted Assignment 2:
 - (a) to obtain academic credit;
 - (b) knowing that it contained verbatim or nearly verbatim passages from the essay that was submitted by I.W. in the Biology Course, but without attribution to that source;
 - (c) knowing that it contained ideas or expressions of ideas which were not her own; and
 - (d) with the intention that the University rely on it as containing her own ideas in considering the appropriate academic credit to be assigned to her work.

Chemistry Course

- (13) In Winter 2014 Ms. M■■ G■■ was also enrolled in CHM120H5 – Chemical Principles 2 ("Chemistry Course"), which was taught by Professor Thottackad Radhakrishnan. A copy of the course syllabus for the Chemistry Course is found in the JBD at Tab 10.
- (14) Students in the Chemistry Course were required to submit five lab reports based on experiments performed in the lab. Each of these lab reports was worth 5% of the Chemistry Course mark.
- (15) On or about March 27, 2014, Ms. M■■ G■■ participated in Experiment 5: Oxidation of Ethanol by Chromium (VI) which was carried out in the lab.

Ms. M■■ G■■ was required to complete a Data Sheet while conducting Experiment 5, and to have it signed by the teaching assistant in charge of the lab.

- (16) Ms. M■■ G■■ left her Data Sheet for Experiment 5 ("Original Data Sheet") in the lab and did not take it with her when she had completed Experiment 5. Ms. M■■ G■■ made no effort to reclaim her Original Data Sheet at any time. A copy of that abandoned Original Data Sheet is found in the JBD at Tab 11.
- (17) On April 3, 2014, Ms. M■■ G■■ submitted her lab report for Experiment 5 ("Lab Report"). Attached to that Lab Report was a Data Sheet dated 27/03/2014 bearing Ms. M■■ George's name and in her handwriting ("Second Data Sheet"). This Second Data Sheet also contained what appeared to be a signature from the Teaching Assistant, Stephen Ho, who had been in charge of the lab on March 27, 2014 when Ms. M■■ G■■ conducted Experiment 5. A copy of the lab report, together with its attached Second Data Sheet, is found in the JBD at Tab 12.
- (18) The Second Data Sheet was not the Original Data Sheet which Ms. M■■ G■■ had filled out during the conduct of Experiment 5.
- (19) The signature that appeared to be that of Mr. Ho on the Second Data Sheet was not his signature.
- (20) The data on the Second Data Sheet is not the same as the data originally recorded by Ms. M■■ G■■ on the Original Data Sheet.
- (21) Ms. M■■ G■■ fabricated the data included on the Second Data Sheet, and forged Mr. Ho's signature on the Second Data Sheet.
- (22) Ms. M■■ G■■ admits that she knowingly falsified the Second Data Sheet and forged Mr. Ho's signature, and that she did so to obtain academic credit.
- (23) Ms. M■■ G■■ further admits that she knowingly concocted the data on the Second Data Sheet, and that she did so to obtain academic credit.

Dean's Meeting

- (24) Ms. M■■ G■■ attended a meeting with dean's designate Michael Georges on August 6, 2014. At that meeting Ms. M■■ G■■ admitted to having taken I.W.'s assignment 2, added words to it, and handed it in as her own. She confirmed that she understood that to do so was to commit plagiarism. Ms. M■■ G■■ also admitted to having forged Stephen Ho's signature on the Second Data Sheet which she submitted for academic credit in the Chemistry Course.

- [7] After Ms Harmer took the Panel through the Agreed Statement of Facts, which the Student agreed were true and accurate, the Student indicated that she wished to provide further information to the Panel. The information she wished to provide had not previously been made known to University Counsel. The Panel indicated that, should the Student wish to provide additional facts that were not included in the Agreed Statement of Facts but that were, in the Student's view, relevant to the liability stage of the hearing, those facts would have to be adduced under oath with an opportunity for cross-examination. Indeed, given the late stage at which the Student raised this desire, which came as a surprise to University Counsel, it was unclear whether the facts that the Student wished to adduce would affect the proceeding in a larger way.
- [8] The Panel asked University Counsel and the Student to confer and advise the Panel whether they could agree on a manner of proceeding. The parties ultimately requested that the matter be adjourned so that the Student could seek representation or advice, if she sees fit, through Downtown Legal Services. The Panel agreed to adjourn the matter on that basis.
- [9] On August 11, 2015, the Panel and the parties reconvened, with the student now being represented by Downtown Legal Services. At the outset, the student confirmed that she was indeed admitting to charges 1, 3, and 4 on the basis of the facts and documents previously agreed to.
- [10] The Panel considered the charges, the facts and the documents and concluded that the allegations had been made out. The Panel therefore made the findings against the student as set out in charges 1, 3, 4, at which point the University withdrew the allegations of charges 2 and 5.
- [11] At the penalty portion of the hearing, the Panel was provided with a Joint Submission on Penalty. The parties had agreed that an appropriate sanction in the case was for the student to receive a grade of zero in the two courses in which the misconduct occurred, and a four-year suspension from the University, with a notation on the student's transcript for five years. In addition, the case would be reported for publication with the student's name withheld. The Panel was provided with a Brief of Authorities in support of the Joint Submission on Penalty, and heard submissions from both parties.
- [12] In support of the joint submission on penalty, the parties filed a further Agreed Statement of Facts, which is reproduced substantially here:
- (1) In December 2013, Ms. M [REDACTED] G [REDACTED] admitted to submitting work for academic credit that was taken directly from published sources without attribution. In particular, she submitted for grading a Scientific Literacy Essay in BIO152H that was materially plagiarized. The essay was worth 10% of her grade in BIO152H.

- (2) The matter was resolved at the departmental level. The Chair of the department imposed a sanction of a grade of zero for the assignment.
- (3) The Chair warned Ms. M■■ G■■ in a letter that second offences are a very serious matter and carry significantly greater sanctions. Ms. M■■ G■■ confirmed by her signature that she had read and agreed to the academic offence charge and sanction.
- (4) Ms. M■■ G■■ is a recent immigrant. Her family moved from India to Canada in April 2013.
- (5) Part of the family's motivation for coming to Canada was so the children could pursue education. Ms. M■■ George's father was a doctor in India. As the eldest sibling Ms. M■■ G■■ experiences a lot of pressure to succeed academically. Her immediate and extended family all expect she will become a doctor.
- (6) If she were to testify Ms. M■■ G■■ would say that the educational culture she experienced was different in India, including citation methods and the ability to interact with teaching assistants and professors. It did not occur to Ms. M■■ G■■ that she could ask the TA about her lost data sheet.

[13] The Panel considered the aggravating circumstances that the three offences occurred in two courses within a very short timeframe, that is, between February 28, 2014 and March 27, 2014. In addition, the offences occurred very shortly after the student had been confronted with and acknowledged engaging in plagiarism in respect of a scientific literacy essay in another course. The Panel also considered that the student was warned after the December, 2013 incident that second offences are very serious and carry significantly greater sanctions. In addition, the Panel was presented with and considered mitigating circumstances, including the student's recent immigration status and the pressures in her household, as well as the different educational culture the student experienced in Canada than she had been used to in India.

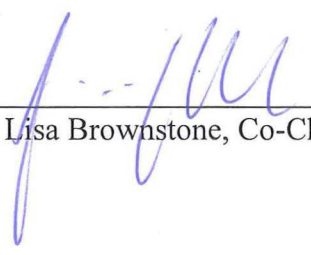
Decision of the Tribunal

[14] The Panel concluded that the Joint Submission on Penalty was within the appropriate range of sanction for the facts of this case, taking into account the previous plagiarism misconduct. Plagiarism is a serious offence, affecting the University's integrity and resulting in great unfairness to the remainder of the student population. It must be treated seriously in order to fulfill all of the sentencing objectives, particularly specific and general deterrence. Although the Panel was divided in its views as to where within the appropriate range the sanction sat, the Panel was unanimous that the penalty was within the appropriate range and therefore the Panel made the order requested. That is, the Panel ordered that:

- (a) a final grade of zero in the course BIO153H5 in 2014 Winter;
- (b) a final grade of zero in the course CHM120H5 in 2014 Winter;
- (c) a four-year suspension from the University commencing the date of this Order;

- (d) a notation of the sanction on Ms. M [REDACTED] George's record and transcript until the date she graduates from the University or for a period of five years from the date of this Order, whichever is first; and
- (e) this case be reported to the Provost, with Ms. M [REDACTED] George's name withheld, for publication of a notice of the decision of the Tribunal and the sanction imposed.

Dated this 9th day of October, 2015.



Lisa Brownstone, Co-Chair