

**UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on November 6, 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:

UNIVERSITY OF TORONTO (the "University")

- AND -

T [REDACTED] (the "Student")

REASONS FOR DECISION

Hearing Date: April 20, 2016

Panel Members:

Ms. Roslyn M. Tsao, Lawyer, Chair
Professor Michael Saini, Faculty of Social Work, Faculty Panel Member
Mr. David Kleinman, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel for University, Paliare Roland Barristers
Ms. Lauren Pearce, Student-at-law, Paliare Roland Barristers
Professor Michael Jones, Program Coordinator, Institute of Communication, Culture, Information & Technology
Professor Rahul Sethi, Instructor for WRI363
Professor Catherine Seguin, Dean's Designate, University of Toronto-Mississauga ("UTM")

In Attendance:

Ms. Lucy Gasparini, Manager, Academic Integrity and Affairs, UTM
Ms. Tracey Gameiro, Associate Director, Appeals, Discipline and Faculty Grievances

Not in Attendance:

Ms. T [REDACTED], Student

1. The Trial Division of the Tribunal heard this matter on April 20, 2016. The Student was charged on November 6, 2015 with the following charges:

CCT360H5F Charges

- 1) On or about October 14, 2014, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in your answers to a take home quiz (“Quiz”) that you submitted for academic credit in CCT360H5F (“Web Design”), contrary to section B.I.1(d) of the *Code*.
- 2) On or about October 14, 2014, you knowingly obtained unauthorized assistance in connection with the Quiz that you submitted for academic credit in Web Design, contrary to section B.I.1(b) of the *Code*.
- 3) In the alternative, on or about October 14, 2014, 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 in connection with the Quiz that you submitted for academic credit in Web Design, contrary to section B.I.3(b) of the *Code*.

WRI363H53 Charges

- 4) On or about February 24, 2015, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in your submission for Assignment 3 (“Assignment 3”) that you submitted for academic credit in WRI363H53 (“The Story Behind the Data”), contrary to section B.I.1(d) of the *Code*.
- 5) On or about April 7, 2015, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in your submission for Assignment 1 (“Assignment 1”) that you submitted for academic credit in The Story Behind the Data, contrary to section B.I.1(d) of the *Code*.
- 6) On or about April 7, 2015, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in your submission for Assignment

2 ("Assignment 2") that you submitted for academic credit in The Story Behind the Data, contrary to section B.I.1(d) of the *Code*.

- 7) In the alternative, on or about February 24, 2015, and April 7, 2015, 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 in connection with the assignments that you submitted for academic credit in The Story Behind the Data, contrary to section B.I.3(b) of the *Code*.

Hearing to Proceed in Absence of Student

2. The Student did not attend at the Hearing. The Tribunal waited 15 minutes after the scheduled commencement of the Hearing to allow for the Student to appear.
3. The University presented evidence to the Tribunal confirming the Student's ROSI Record, which set out her email address ("ROSI Email").
4. On November 6, 2015, the University served the Student with the formal Charges dated November 6, 2015 by e-mail to her ROSI Email.
5. On February 25, 2016, the University served the Student by email to her ROSI Email with the Notice of Hearing dated February 25, 2016 for the April 20, 2016 hearing date and on February 29, 2016 with the Revised Notice of Hearing confirming the April 20, 2016 hearing date.
6. There were no "bounce backs" of any of these three emails.
7. On November 27, 2015, counsel for the University emailed the Student at her ROSI Email with a disclosure brief relating to the Charges. The Student responded to this email on December 9, 2015 asking for assistance on how to contact Downtown Legal Services.
8. Although Mr. Centa and the Student had further email communication in December, 2015 and in March and April, 2016, the Student did not ultimately indicate whether she intended to attend at the hearing.

9. As service of the Charges and Notice of Hearing was effected in accordance with Paragraph 9(c) of the *Rules of Practice and Procedure*, the Panel proceeded with the Hearing in the absence of the Student.

Facts

Evidence of Professor Michael Jones, Program Coordinator for the Institute of Communication, Culture, Information & Technology

10. Professor Jones is the Program Coordinator for the Institute of Communication, Culture, Information & Technology ("ICCIT") which oversees related communications/technology programs provided jointly by the University of Toronto at Mississauga and Sheridan College.
11. Professor Jones is employed by Sheridan College and has been an instructor for 10 years in addition to his current Program Coordinator role. Professor Jones provides support to faculty and students and investigates academic integrity allegations.
12. The Syllabus in Web Design outlined the evaluation methods and contained the usual instruction and warning against academic dishonesty. Assignments were to be submitted to Turnitin.com.
13. Professor Jones had taught the Student twice before in two earlier courses but was not the instructor in Web Design in Fall 2014. Professor Nathwani was the instructor.
14. There was a "take-home" Quiz submitted by the Student on October 14, 2014 through Turnitin.com. Professor Nathwani noted the very high Turnitin similarity index of 56% for the Student's Quiz and alerted Professor Jones for further investigation.
15. Professor Jones googled passages of the Quiz and was able to identify a source website which had questions and answers for the same assignment for the Web Design course from 2011. Professor Jones compared the Quiz to the source website and concluded that the Student had plagiarized many passages, some verbatim and some with minor changes, for her Quiz. In particular, the Student even used the same URL example, IKEA, that was used in the 2011 website.

Evidence of Professor Rahul Sethi, Instructor of WRI363 – The Story Behind the Data: Communicating in World of Big Data

16. Professor Sethi was the Instructor in The Story Behind Data course in Winter, 2015 term. He has been a sessional lecturer in courses related to professional writing and communications at ICCIT for approximately 6 years.
17. The Story Behind Data is a course for communications students designed to teach them how to use, interpret and communicate information based on "large data".
18. Professor Sethi had taught the Student twice before in his writing courses. Professor Sethi noted that English was a second language for the Student.
19. There were 3 written assignments worth 40% and 2 infographics worth 20% in the course evaluation. These 5 assignments were undertaken throughout the term with rough drafts being submitted and critiqued during the term by Professor Sethi so that the Student could improve throughout the term until final submission of the assignments. The Student's entire portfolio of all 5 assignments (including rough drafts) was submitted at the end of the term for the instructor's grading ("Portfolio Assessment").
20. With the Portfolio Assessment and ongoing feedback during the term on the rough drafts, Professor Sethi was able to work with the students and observe their overall proficiency by the end of the course.
21. When Professor Sethi reviewed the Student's Portfolio of assignments, he was suspicious of her work. In particular, one of her infographics and two of her 3 writing assignments were "very good" and did not correspond to the quality of the Student's rough drafts.
22. Professor Sethi's investigation into source material for the Student's assignments resulted in the following:
 - (a) for one of the Student's infographics, Professor Sethi found an almost identical infographic on the web attributed to another author, Wishpond. The appearance, structure, colouring of the Student's version was identical to the Wishpond version except that any identification on the Wishpond version relating to

authorship or contact information had been removed/replaced with the Student's name;

- (b) for Assignment 1h, Professor Sethi found two articles on the web which were clearly the source of a large portion of the Student's assignment. There were identical passages lifted from the two articles as well as similarly-worded passages. Even the title of the Student's assignment was copied from one of the source articles. The Student only referenced one source, which was a reference in one of the two source documents but not either of the two articles found by Professor Sethi;
- (c) for Assignment 2j, Professor Sethi found three reference articles/material which were clearly the source of the Student's almost entire assignment, including a detailed graphic which had no attribution in the Student's assignment. Again, the title of the Student's assignment was copied from one of the source materials; and
- (d) for all of the above assignments, Professor Sethi also reviewed the rough drafts to confirm that the final versions were very different from the rough drafts, as he recalled based on his work with the Student during the term. For example, the graphic in the final version of Assignment 2j was not in any of the rough drafts. In any event, the students were supposed to prepare original data visualizations in their assignments.

Evidence of Professor Catherine Seguin, Dean's Designate at UTM

- 23. Ms. Seguin has been the Dean's Designate for approximately 6 years at UTM. As the Dean's Designate, she reviews academic integrity files which are referred to the Dean's Office to determine whether there is sufficient evidence and if so, to request a meeting with the student.
- 24. Ms. Seguin met with the Student in July 2015 about the allegations, with the Student participating by SKYPE from China. Ms. Seguin confirmed that she provided the standard Dean's warning to the Student to advise that the contents of the meeting could be used against her at any subsequent hearing.

25. The Student readily admitted that she had "cut and paste" from another source for the Quiz and explained that she was "stressed". The Student acknowledged her guilt to plagiarizing material for her Quiz in CCT360.
26. The Student also readily admitted to having copied material for her WRI363 infographic and 2 assignments. There was notably, "no debate" from the Student as she admitted her guilt to plagiarizing for these WRI363 assignments.
27. The meeting was short because the Student was forthright in her admitted guilt. The Student also advised Ms. Seguin that she had seen a doctor and had the support of her parents.
28. Ms. Seguin advised that the matter had to be referred to the Tribunal because of a prior academic dishonesty sanction.

Decision of the Tribunal

29. A review of the Student's assignments against the source materials leaves the Tribunal with no doubt that the Student is guilty of all allegations of plagiarism. The evidence of Professor Sethi is particularly compelling given his ability to refer to the Student's rough drafts throughout the term and note the marked difference between those rough drafts and the final submitted assignments.
30. The Student's admission of guilt at the Dean's Designate meeting also supports findings of guilt.
31. Accordingly, the Panel finds the Student guilty of Charges 1, 4, 5 and 6.
32. The University withdrew the alternate Charges 2, 3 and 7.

Penalty

33. The University sought the following penalty:
 - (a) a final grade of zero in the courses CCT360H5F and WRI363H53;
 - (b) a suspension from the University for 4 years from the date of this Order; and

- (c) a notation of the sanction on the Student's academic record and transcript until 5 years from the date of this Order.
34. The Student has a prior record of academic misconduct. The Student admitted to plagiarizing an assignment submitted in CCT316 in Winter 2014 and was sanctioned by the Office of the Dean in June, 2014. The Dean's Office issued a letter dated June 25, 2014 which sanctioned the Student with a zero in the assignment, a further reduction of 10 marks from her final grade in the course and an annotation on her transcript for 9 months from June 11, 2014 to March 11, 2015 relating to the academic misconduct.
35. The Panel accepts the requested penalty by the University for the following reasons:
- (a) the Student had participated and been sanctioned in the discipline process fewer than 4 months earlier CCT360 (October, 2014);
 - (b) the Student was in her third year of study at the University and had undertaken prior post-secondary studies at another institution;
 - (c) the Charges relate to plagiarism over two courses and two terms and multiple assignments;
 - (d) there were deliberate and deceitful acts undertaken by the Student in an attempt to hide the plagiarism from detection such as removing references to authorship on the infographic and replacing them with her own name and including a reference cited in the plagiarized source but not the plagiarized article itself; and
 - (e) although the Student readily admitted her guilt at the Dean's Designate meeting, she did not follow through with counsel to plead guilty or an Agreed Statement of Facts which would have greatly reduced the Tribunal's time and resources.
36. The Panel was most concerned about specific deterrence and the likelihood of repetition in this matter, given the Student's prior academic misconduct and the number of and breadth of the current misconduct.

37. The Panel, therefore, imposes the sanctions as set out in Paragraph 33 above and signed an Order to this effect at the conclusion of the Hearing.
38. The Tribunal is to report this decision to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed in the University's newspapers, with the name of the Student withheld.

Dated at Toronto, this 28th day of April, 2016



Roslyn M. Tsao, Chair