

**UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on March 3, 2016.

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 -

M [REDACTED] L [REDACTED] (the "Student")

REASONS FOR DECISION

Hearing Date: June 27, 2016

Panel Members:

Ms. Roslyn M. Tsao, Lawyer, Chair
Professor Faye Mishna, Factor-Inwentash Faculty of Social Work, Faculty Panel Member
Ms. Vassilia (Julia) Al Akaila, Student Panel Member

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel for University, Paliare Roland Barristers
Ms. Lucy Gaspini, Manager, Academic Integrity and Affairs, University of Toronto-Mississauga
Professor Kalina Staub, Instructor for ECO100: Introductory Economics, University of Toronto Mississauga

In Attendance:

Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances
Mr. Sean Lourim, IT Support, University of Toronto

Not in Attendance:

Ms. M [REDACTED] L [REDACTED], Student

1. The Trial Division of the Tribunal heard this matter on June 27, 2016. The Student was charged on March 3, 2016 under the following sections of the *Code*:
 - (a) plagiarism contrary to section B.I.1(d);
 - (b) obtaining of unauthorized assistance contrary to section B.I.1(b); and
 - (c) in the alternative, academic dishonesty contrary to section B.I.3(b),
 relating to an essay ("Assignment") submitted in ECO 100 ("Course") on or about November 10, 2014.

Hearing to Proceed in Absence of Student

2. The Student did not attend at the Hearing. The Tribunal waited until after the scheduled commencement of the Hearing to allow for the Student to appear.
3. The University presented evidence to the Tribunal confirming proper service of the Charges dated March 3, 2016 by e-mail to the Student's e-mail address contained in the Student's ROSI record.
4. The University presented evidence to the Tribunal confirming proper service of the Notice of Hearing dated May 17, 2016 and the Revised Notice of Hearing (revised only with respect to panel members) by e-mail to the Student's e-mail address contained in the Student's ROSI record. The Notice and Revised Notice of Hearing contain the requisite warning for non-attendance.
5. The University confirmed that the Student had last logged into her ROSI email account on January 25, 2015.
6. 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.

Evidence - Professor Staub

7. The University tendered Professor Staub via Skype from the University of North Carolina where she is now an instructor.
8. Professor Staub was the instructor of the Course at the relevant time. There were approximately 1200 students enrolled in this first year, full year, Course, in 3 sections.
9. The Syllabus for the course confirmed the course requirements, including the Assignment at issue which was a writing assignment worth 4% of the course mark (there was another writing assignment worth another 4% of the course mark).
10. Professor Staub confirmed that she reviewed the seriousness of academic misconduct, including plagiarism, both in the Syllabus and in class. The Syllabus also made it clear that Turnitin.com would be used for the review of assignments to detect possible plagiarism.
11. The Assignment was an essay due approximately during the week of November 3rd, 2014. The Assignment was an individual, as opposed to group, assignment.
12. The Student submitted her essay to Turnitin on November 10, 2014 at 10:33 p.m. Turnitin reported a "Similarity Index" of 85% to another student's assignment submitted in the same course.
13. Typically, Professor Staub would consider a similarity index of less than 15% to be acceptable but anything over 15% would attract scrutiny.
14. Professor Staub reviewed the Student's Assignment and the assignment submitted by another student ("Student LL") on November 10th at 7:00 p.m. to review whether the similarities were explicable.
15. Professor Staub observed, and as is obvious by a comparison of the two assignments, that academic misconduct had occurred. The Panel notes that the majority of the Student's Assignment is identical to LL's assignment, including grammatical or syntax-related errors.

16. When asked by the Panel, Professor Staub advised that she did not know which student had copied from the other.
17. Professor Staub had a meeting with the Student about this matter before referring it to the Dean's Office.

Findings and Decision of the Tribunal

18. As in the Decision of *The University v. J.Y.*, (Case No. 834), dated February 25, 2016, there was no definitive evidence regarding which of the Student and LL was the originator of the written assignment. As in the *J.Y.* Case, the Panel does not need to reach a definitive conclusion on that issue because of Section B.ii.1(a)(ii) and/or (iv) of the *Code*:

B.ii.1(a) Every member is a party to an offence under this *Code* who knowingly:

(i) actually commits it;

(ii) **does or omits to do anything for the purpose of aiding or assisting another member to commit the offence;**

...

(iv) **abets, counsels, procures or conspires with another member to commit or be a party to an offence;...**

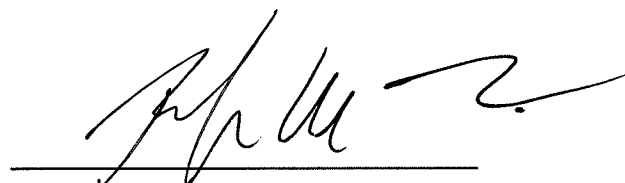
19. It is not necessary for the Panel to decide whether it was the Student or LL who drafted the original content of the Assignments, whether the students collaborated or whether the Student copied LL's Assignment or vice versa – all of these scenarios will attract a finding of guilt provided that we conclude that the Students collaborated or that LL and/or the Student was aware that her/his work or the other's was being used for assistance.
20. The Panel finds that there is clear and convincing evidence that either, the students collaborated or that one of them (likely Student LL) knowingly made his/her work available to the Student to copy.

21. Based on the findings above, the Student is found guilty of plagiarism contrary to section B.I.1(d) of the *Code* and of obtaining unauthorized assistance contrary to section B.I.1(b) of the *Code*.
22. The University withdrew the alternative charge.

Penalty

23. The University sought the following penalty:
 - (a) a zero in the Course;
 - (b) a two (2) year suspension from the University commencing June 27, 2016 and ending June 26, 2018; and
 - (c) a notation of the sanction on the Student's academic record and transcript for three (3) years ending June 26, 2019.
24. The Student has no prior record of academic misconduct and appears to have last attended at the University in the Spring 2015 term (ending April, 2015).
25. The Student having not appeared to advise of any mitigating circumstances, the Tribunal accepts the University's recommended penalty after considering the circumstances in this case and the sanctions granted in similar cases.
26. An Order has been signed by the Panel to this effect.
27. 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 18th day of July, 2016

A handwritten signature in black ink, appearing to read 'Roslyn Tsao', written over a horizontal line.

Roslyn Tsao, Chair