

**UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

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

A [REDACTED] S [REDACTED] (the "Student")

REASONS FOR DECISION

Hearing Date: September 30, 2016

Panel Members:

Mr. Christopher Wirth, Chair

Professor Michael Evans, Department of Statistical Sciences, Faculty Panel Member

Ms. Ashley Barnes, Student Panel Member

Appearances:

Ms. Tina Lie, Assistant Discipline Counsel for the University, Paliare Roland Barristers

Mr. Michael Cockburn, Law Student for the Student, Downtown Legal Services

In Attendance:

Ms. A [REDACTED] S [REDACTED], the Student

Ms. Lucy Gaspini, Manager, Academic Integrity and Affairs for the Office of the Dean

Mr. Christopher Lang, Director, Office of Appeals, Discipline and Faculty Grievances

Ms. Sara Zborovski, (Observer, New University Tribunal Chair)

Charges and Appearances

1. The Trial Division of the Tribunal heard this matter on September 30, 2016. The Student was charged with the following academic offences filed with the Provost on December 8, 2015:
 1. On or about November 18, 2014, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in an essay titled “Concubines in Islam: Jawari/Qiyan/Kiz” (the “Essay”) that you submitted for academic credit in RLG350H5F (the “Course”), contrary to section B.I.1(d) of the *Code*.
 2. In the alternative, on or about November 18, 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 Essay, which you submitted for academic credit in the Course, contrary to section B.I.3(b) of the *Code*.

The particulars related to the charges are as follows:

- (a) At all material times, you were a registered student at the University of Toronto, Mississauga. In 2014 Fall, you enrolled in the Course, which was taught by Professor Adam Ali.
- (b) Students in the Course were required to submit an essay in partial completion of the Course requirements. On or about November 18, 2014, you submitted the Essay to complete this requirement.
- (c) You submitted the Essay knowing that it contained ideas, the expression of ideas, and verbatim or nearly verbatim text from articles (the “Sources”), including but not limited to:

- (i) Kristina Richardson, "Singing Slave Girls (*Qiyān*) of the 'Abbasid Court in the ninth and tenth centuries", *Children in Slavery Through the Ages* (Ohio University Press, Athens: 2009);
 - (ii) Fatima Mernissi, *The Forgotten Queens of Islam* (University of Minnesota Press, Minneapolis: 2006);
 - (iii) Hugh Kennedy Tabari, *The History of Al-Tabari: An Annotated Translation* (State University of New York Press:1990); and,
 - (iv) Khalil 'Athamina, "How did Islam contribute to change the legal status of women: the case of the *Jawari*, or the *female slaves*", *Al-Quantara* 28(2) (2007).
- (d) You knowingly represented the work of another person, or persons, who wrote the Sources as your own. You knowingly included in the Essay ideas and expressions that were not your own, but were the ideas and expressions of another person, or persons, who wrote the Sources, which you did not acknowledge in the Essay.
 - (e) For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in the Essay.
- 2. The Student attended at the hearing with representation from Downtown Legal Services.
 - 3. The Student and the University tendered an Agreed Statement of Facts ("ASF") for a guilty plea.

Facts

- 4. The ASF provided as follows: This hearing arises out of charges of academic misconduct filed by the Provost of the University of Toronto (the "Provost") under the Code of Behaviour on Academic Matters ("Code"). For the purposes of this hearing, the Provost and the Student have prepared this Agreed Statement of Facts ("ASF") and a Joint Book of Documents ("JBD"). The Provost and the Student agree that:

- (a) each document contained in the JBD may be admitted into evidence at the Tribunal for all purposes, including to prove the truth of the document's contents, without further need to prove the document; and
- (b) if a document indicates that it was sent or received by someone, that is prima facie proof that the document was sent and received as indicated.

Notice of hearing, charges and admission of misconduct

- 5. The Student admits that she received reasonable notice of the hearing. The notice of hearing is included in the JBD at Tab 1.
- 6. The Student admits that she received a copy of the charges filed by the Provost on December 8, 2015. The charges are included in the JBD at Tab 2. The Student waives the reading of the charges filed against her, and pleads guilty to charge #1 and charge #2. The Provost agrees that if the Tribunal convicts on charge #1, the Provost will withdraw charge #2.

Enrollment at the University of Toronto, Mississauga

- 7. The Student was a registered student at the University of Toronto Mississauga ("University") at all material times. She first registered at the University in the Fall of 2009. As at the end of the 2014 Fall term, she had earned 17.5 credits, with a cumulative grade point average of 1.58. The Student has not taken courses at the University since the Fall 2014 term. A copy of the Student's academic record dated February 12, 2016, is found in the JBD at Tab 3.

RLG350H5F

- 8. In Fall 2014, the Student enrolled in RLG350H5F – Topics In Islam: History of Slavery in the Islamic World 600CE – 1500CE ("Course"). Professor A. Ali taught the Course.
- 9. A copy of the Course syllabus is included in the JBD at Tab 4.

10. Students in the Course were required to submit a final research paper (the “Research Paper”) for evaluation and academic credit. The Research Paper was due on November 11, 2014 and was worth 15% of the total course mark.
11. Students in the Course were informed about plagiarism and how to avoid committing that offence. Students in the Course were also warned that “accidental” plagiarism is also considered an academic offence that would be investigated.
12. Students in the Course were given a handout prior to submitting the Research Paper entitled “Writing Assignment Instructions”, in which they were clearly instructed to cite all the information they obtained from their sources using the Chicago Manual of Style. The handout also included sample citations for footnotes and bibliographies. A copy of the handout is included in the JBD at Tab 5.
13. The Student submitted her Research Paper on November 18, 2014, in hardcopy and electronically by email. The Research Paper she submitted contained a bibliography, but did not contain any citations. A copy of the Student's Research Paper is included in the JBD at Tab 6.
14. While reading the Student's Research Paper, Professor Ali recognized passages from external sources. In particular, the Student's Research Paper contained ideas, the expression of ideas, and verbatim or nearly verbatim text from articles, including but not limited to:
 - (a) Khalil ‘Athamina, “How did Islam contribute to change the legal status of women: the case of the Jawari, or the female slaves”, *Al-Quantara* 28(2) (2007), included in the JBD at Tab 6A;
 - (b) Hugh Kennedy Tabari, *The History of Al-Tabari: An Annotated Translation* (State University of New York Press: 1990), included in the JBD at Tab 6B;
 - (c) Kristina Richardson, “Singing Slave Girls (Qiyān) of the Abbasid Court in the ninth and tenth centuries”, *Children in Slavery Through the Ages* (Ohio University Press, Athens: 2009), included the JBD at Tab 6C;

- (d) Fatima Mernissi, *The Forgotten Queens of Islam* (University of Minnesota Press, Minneapolis: 2006) included in the JBD at Tab 6D;

(collectively, the “Unattributed Sources”).

- 15. Professor Ali emailed the Student on December 17, 2015, inviting her to meet to discuss his concerns regarding plagiarism in her Research Paper as the Research Paper did not contain citations.
- 16. Professor Ali met with the Student on January 13, 2015. At the meeting, the Student submitted a second copy of the Research Paper which included citations. She also sent Professor Ali an electronic copy of the Research Paper with citations on January 17, 2015. A copy of the Research Paper submitted electronically by the Student on January 17, 2015 is included in the JBD at Tab 7.
- 17. A highlighted version of the Student's Research Paper is included in the JBD at Tab 8. Similarly, highlighted copies of the Unattributed Sources are included in the JBD at Tabs 6A to 6D.
- 18. The highlighting in the Research Paper at Tab 8 corresponds to the highlighting contained in the Unattributed Sources at Tabs 6A through 6D of the JBD as follows:
 - (a) yellow highlighting - Tab 6A
 - (b) green highlighting - Tab 6B
 - (c) blue highlighting - Tab 6C
 - (d) pink highlighting - Tab 6D
- 19. The Student had a final mark of 62.7% in the Course without including a mark for the Research Paper.

Dean's Designate Meeting

20. The Student attended a meeting with the Dean's Designate, Michael Georges, on March 23, 2015 to discuss the allegation that her paper contained substantial sections reproduced from published sources without proper acknowledgment. At the meeting, the Student:
- (a) acknowledged that she knew ahead of the January 13, 2013 meeting with Professor Ali that the meeting would be about alleged plagiarism in her submitted Research Paper as there were no citations in her Research Paper;
 - (b) admitted guilt to the offence of plagiarism.
21. The Student signed a form at the Dean's Designate meeting admitting to the offence of plagiarism contrary to section B.I.1(d) of the Code. A copy of her signed Admission of Guilt form is included in the JBD at Tab 9.
22. The Student admits that she knowingly:
- (a) included verbatim or nearly verbatim excerpts from the Unattributed Sources;
 - (b) failed to attribute those excerpts appropriately using citations quotation marks or other appropriate means;
 - (c) represented in her Research Paper the ideas, the expression of the ideas, or the work of another person as her own; and
 - (d) committed the offence of plagiarism contrary to section B.I.1(d) of the Code;
23. The Student acknowledges that she is signing this ASF freely and that she has been given the opportunity to obtain independent legal advice before signing this ASF, and has done so.

Decision of the Tribunal

24. Based on the ASF, the Student's plea and the admissions contained therein and the panel's review of the examination booklets in question along with the University's identification of the plagiarized source material, the Student is found guilty of plagiarism contrary to section B.I.1(d) of the Code, namely Charge 1.

25. The University withdrew Charge 2.

Penalty

26. The Student and the University submitted an Agreed Statement of Facts relating to Penalty ("ASFP") which provided as follows:

- (a) The Student has been found guilty of an academic offence on two prior occasions.

A. BIO205H5F

- (b) In October 2010, the Student submitted a tutorial assignment for BIO205H5F ("Tutorial Assignment") worth 6% of the total grade in the course. The Student's Tutorial Assignment contained a large portion of material directly copied from a published source.
- (c) The Student admitted that parts of her tutorial assignment had been copied from a published source and submitted for grading.
- (d) On November 12, 2010, the Associate Chair of the Department of Biology found the Student guilty of plagiarism contrary to section B.I.1(d) of the *Code*. He imposed a sanction of a grade of zero for the Tutorial Assignment. In a letter dated November 12, 2010, the Associate Chair expressed the hope that Ms. S [REDACTED] would reflect on the seriousness of the incident and would not commit another academic offence. She was warned that second offences are a very serious matter and carry significantly greater sanctions, and that it was important that she be careful in all of her courses. A copy of the November 12, 2010 letter is attached at Tab 1.

B. RLG205H5S

- (e) On April 20, 2011, the Student wrote a final examination for RLG205H5S ("Final Examination") worth 40% of the final grade in the course. The Student was

caught obtaining unauthorized assistance from personal notes while writing the Final Examination.

- (f) In a meeting with the Dean's Designate on September 19, 2011, the Student admitted to possessing and obtaining unauthorized assistance while writing the Final Examination. The Vice-Dean imposed a mark of zero for the course, a nine month suspension until June 1, 2012, and a sixteen month notation on the Student's transcript, to January 19, 2013.
- (g) In a letter dated September 27, 2011, the Vice Dean confirmed the serious nature of the offence of obtaining unauthorized assistance, particularly as a second offence. The Vice-Dean explained that she believed that the Student had learned a valuable lesson and that there would be no repetition of similar behaviour in the future, and that the sanction was more lenient than envisaged by the Provost's Guidelines in recognition of the Student's admission and remorse. The Vice-Dean's letter again expressed the hope that the Student would reflect on the seriousness of the incident and would not commit another academic offence. She was warned that any subsequent allegations are usually referred directly to the Tribunal.

The Student admitted that she signed this ASF for Sanction freely and that she has been given the opportunity to obtain independent legal advice before signing this ASF for Sanction, and has done so.

- 27. The Student and the University also submitted a Joint Submission on Penalty ("JSP") for the following penalty:
 - (a) The Provost and the Student submit that the appropriate penalty in all the circumstances of the case is that the University Tribunal impose the following sanctions on the Student:
 - (i) a final grade of zero in RLG350H5F in the Fall 2014 term;

- (ii) a three year suspension from the University to commence on the day the Tribunal makes its order; and
- (iii) a notation of the sanction on her academic record and transcript for four years from the date the Tribunal makes its Order.

28. The Parties further submitted that it was 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 or sanctions imposed in the University newspapers, with the name of the Student withheld.

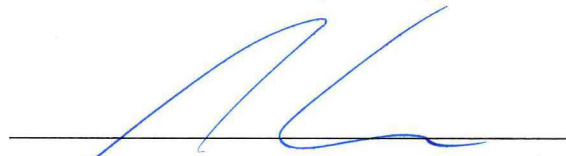
Decision on Penalty

29. As set out in the ASFP, on each of her two prior occasions of misconduct, the Student received a written sanction letter which warned her to avoid future plagiarism and a warning that any further offence would attract very serious consequences.
30. Unfortunately, the Student has appeared to not only ignore the sentiment in these Sanction letters but has committed further plagiarism.
31. The University and Student's agent highlighted the Student's cooperation and guilty plea which undoubtedly figured into the JSP which the Panel finds, in the circumstances, to be lenient. Without the JSP, the Panel would have been inclined to order a greater penalty.
32. After a review of the C■■■■ factors (Case No. 1976/77-3, November 5, 1976), the Tribunal accepts the terms of penalty set out in the JSP.
33. Accordingly, the Tribunal orders as follows:
- (a) **THAT** the Student is guilty of one count of plagiarism contrary to section B.I.1(d) of the *Code of Behaviour on Academic Matters*;
 - (b) **THAT** the Student receive a final grade of zero in RLG350H5F in the 2014 Fall term;

- (c) **THAT** the Student be suspended from the University for a period of two years and 11 months, commencing on September 30, 2016 and ending on August 31, 2019;
- (d) **THAT** the sanction be recorded on the Student's academic record and transcript to the effect that she was sanctioned for academic misconduct for a period of three years and 11 months, commencing on September 30, 2016 and ending on August 31, 2020; and
- (e) **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 in the University Newspapers, with the name of the Student withheld.

34. An Order was signed at the hearing by the Panel to this effect.

Dated at Toronto, this 12th day of October, 2016



Christopher Wirth, Chair