

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on May 31, 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:

THE UNIVERSITY OF TORONTO

- and -

C [REDACTED] D [REDACTED] ([REDACTED])

Hearing Date: October 13, 2016

Members of the Panel:

William C. McDowell, Lawyer, Chair

Professor Maria Rozakis-Adcock, Faculty Panel Member

Ms. Amanda Nash, Student Panel Member

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Barristers

Dr. Leanne Carroll, Course Instructor for FAH102H1-S, (via Skype)

Ms. Heather Huckfield, Program Director, John H. Daniels Faculty of Architecture, Landscape and Design

In Attendance:

Ms. Krista Osbourne, Administrative Assistant, Appeals, Discipline and Faculty Grievances

Mr. Sean Lourim, Technology Assistant, Office of the Governing Council

Mr. Dave Vanderploeg, Audio Technician, Live Media

Not In Attendance:

Ms. C [REDACTED] D [REDACTED], Student

REASONS FOR DECISION

1. C [REDACTED] D [REDACTED] ("the Student") was charged with the following offences pursuant to the *Code of Behaviour on Academic Matters, 1995* ("the Code"):

1. "In or about February 2014, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in an essay titled "Visual Analysis Paper" ("Essay"), which you submitted for academic credit in FAH102H1S: The Practice of Art History in the Winter 2014 Session (the "Course"), contrary to section B.I.1(d) of the Code.
2. In the alternative, in or about February 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 in the Daniels Faculty of Architecture and Design.
- b) In Winter 2014, you enrolled in the Course.
- c) Students in the Course were required to submit a visual analysis paper in partial completion of the Course requirements. In or about February 2014, you submitted the Essay to complete this requirement.

- d) You submitted the Essay knowing that it contained ideas, the expression of ideas, and verbatim or nearly verbatim text from publications and articles (the "Sources") which were not written by you.
- e) 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.
- f) For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in the Essay."

3. For the reasons that follow, we found Ms. D [REDACTED] guilty of one count of plagiarism contrary to s. B.I.1(d) of the Code.

Service and Jurisdiction

4. The Student did not appear at the hearing before the Tribunal. Counsel for the Provost filed the affidavit of Virginia Fletcher, a Law Clerk at Paliare Roland. The Student proved very difficult to reach at all stages of the University process. Ms. Fletcher outlined the steps which had been taken to reach the Student. It will suffice to say that service of documents was made to the Student's utoronto.ca email address, which she had placed on ROSI.

5. Pursuant to the University's policy on Official Correspondence With Students, the Student is held to be responsible to monitor and retrieve her mail

from her "University issued electronic mail account". The Notice of Hearing and the correspondence were sent to her at that address.

6. We also note that Dr. Leanne Carroll, the instructor for the Course, met with the Student on March 3, 2014 and in the course of that meeting showed the Student how to check her utoronto email.

7. Given these facts, we found that we had jurisdiction to proceed, and that it would be appropriate to proceed in the Student's absence.

The Facts

8. Dr. Carroll testified before the Tribunal via Skype from Mount Allison University in Sackville, New Brunswick where she now teaches as a lecturer. The Student registered for the course, the Practice of Art History FAH102H1S ("the FAH Course"). Dr. Carroll taught the course with the aid of a number of teaching assistants.

9. Dr. Carroll required that students submit an essay ("the Essay") described in the syllabus as a "visual analysis paper". The Essay was to be a brief assignment of two to three pages and would be worth 20% of the course grade.

10. Early in the term, Dr. Carroll taught a class focussed on effective writing. In addition to other topics covered during this lecture, students were given careful instruction concerning proper paraphrasing, and were warned of the dangers of plagiarism. Dr. Carroll also required that students submit with their written work a document entitled "Academic Integrity Checklist" in which the student certified

that authenticity of the assignment submitted, for example, by confirming that “I have acknowledged the use of another’s ideas with accurate citations”.

11. The Student submitted the Essay on February 13, 2014. She failed to submit the Academic Integrity Checklist with the Essay. Accordingly, when her paper was returned to her, marks had been deducted from it at the rate of 2% per day. The Student ultimately submitted a signed Academic Integrity Checklist on February 27, 2014.

12. The paper was somewhat incoherent, and the teaching assistant who graded it provided some constructive commentary, including “I encourage you to visit your College’s writing centre ... to learn how an English language learning resource is available at U of T”. The teaching assistant was also concerned about the authorship of the paper, and drew these concerns to the attention of Dr. Carroll. Ultimately, Dr. Carroll and the teaching assistant compared the Essay to an online chapter entitled “Modern Art in Europe and the Americas, 1900 to 1950”, which formed part of an art history text (Art History, Vol. 2, 4th ed. by Marilyn Stokstad, and Michael W. Cothren).

13. We reviewed the passages highlighted at Tab 5 of Exhibit 3 and are satisfied that these were taken without attribution from the Stokstad text. In several instances the Essay contains whole paragraphs ostensibly lifted from Stokstad, with no attribution whatsoever. Of course, the Student was not present to provide any explanation for her failure to provide citations or indeed other attribution for the impugned passages. We accepted the evidence outlined

above. We found the Student guilty of one count of plagiarism contrary to Section B.I.1(d) of the Code.

Penalty

14. The University submitted that the following penalty was appropriate:

- That the Student receive a final grade of zero in FAH102H1S in Winter 2014;
- That the Student be suspended from the University for a period of two years, commencing on October 13, 2016 and ending on October 12, 2018;
- 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 from the date of our Order until October 12, 2019; and
- That the case 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. Counsel for the Provost reviewed a number of authorities with us, and we are satisfied from a review of such authorities as *The University of Toronto and M. L.* (June 27, 2016, Ms. Roslyn M. Tsao, Chair, Case No.: 850), and *The University of Toronto and Y. G.* (July 14, 2014; Ms. Sarah Kraicer, Chair, Case No.: 802), that the University's proposed sanctions were appropriate.

16. As the Tribunal noted in the Y.G. case at paragraph 32:

The determination of an appropriate penalty in every case by the Tribunal will depend on an assessment of [the principles and factors described in *The University of Toronto and Mr. C*, bearing in mind the individual circumstances of the case]. At the same time, it is important that there is general consistency in the approach of Tribunals to sanction, so that students are treated fairly and equitably. [citations omitted]

17. We are satisfied that the sanction proposed in the present case meets these goals. It is well within the range of penalties imposed recently in similar matters.


Order of the Tribunal

18. We issued the following order:

1. **THAT** the hearing may proceed in the absence of the Student;
2. **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;
3. **THAT** the Student receive a final grade of zero in FAH102H1S in Winter 2014;
4. **THAT** the Student be suspended from the University for a period of two years, commencing on October 13, 2016 and ending on October 12, 2018;
5. **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 from the date of this Order until October 12, 2019; and

6. **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  day of January, 2017.



William C. McDowell, Chair