

UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on January 26, 2017.

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters, 1995* ("Code")

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 -

Y [REDACTED] Z [REDACTED] (the "Student")

REASONS FOR DECISION

Hearing Date: May 10, 2017

Panel Members:

Mr. Christopher Wirth, Barrister and Solicitor, Chair
Professor Ato Quayson, Faculty Panel Member
Mr. Andrey Lapin, Student Panel Member

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel, for the University of Toronto, Paliare Roland Barristers

In Attendance:

Professor Eleanor Irwin, Dean's Designate, University of Toronto Scarborough
Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances
Mr. Sean Lourim, Technology Assistant, Office of the Governing Council

Not In Attendance:

Ms. Y [REDACTED] Z [REDACTED], the Student

Charges and Appearances

1. The Trial Division of the Tribunal heard this matter on May 10, 2017. The Student was charged with the following academic offences filed with the Provost on January 26, 2017:
 1. In or about Winter 2016, you knowingly represented as your own an idea or expression of an idea or work of another in an assignment that you submitted in BIOB51H3 – Evolutionary Biology (“Course”) entitled “GMO Applorange” (the “Essay”), contrary to section B.I.1(d) of the *Code*.
 2. In the alternative, 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, contrary to section B.I.3(b) of the *Code*, in connection with the Essay.

The particulars for these charges were as follows:

- (a) At all material times you were a student at the University of Toronto Scarborough;
- (b) In Winter 2016 you enrolled in the Course;
- (c) Students in the Course were required to submit an assignment worth 15%. 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 your Essay;
- (f) You knowingly submitted the Essay with the intention that the University of Toronto Scarborough rely on each of them as containing your own ideas,

expressions of ideas or work in considering the appropriate academic credit to be assigned to your work.

2. The Student did not attend the hearing. After waiting 15 minutes for her, the hearing proceeded in her absence. Based upon the affidavit of service of Virginia Fletcher, sworn May 9, 2017 (Exhibit 1) including the affidavit of Susan Murphy, sworn February 15, 2017 (Exhibit 4, Tab 6) and the affidavit of Krista Osbourne, affirmed April 21, 2017 (Exhibit 1, Tab 13), the Panel was satisfied that the Student had been served with the Charges and the Revised Notice of Hearing in accordance with the University Tribunal's Rules of Practice and Proceeding.

THE EVIDENCE

Enrollment at the University of Toronto, Scarborough

3. The Student was, at all material times, a registered student at the University of Toronto Scarborough and was enrolled in BIOB38 in the Winter 2016 term as per the Student's academic record, copies of which were found in Exhibit 1 at Tabs 5 and 19.

BIOB38 (2016)

4. The Affidavit of Connie Soros sworn May 1, 2017 (Exhibit 4) provided the following evidence:

"A. Background

1. *In Winter 2016, I taught the course BIOB38: Plants in Society ("Course"). I attach a true copy of the Course Syllabus as **Exhibit "A"** to my affidavit.*
2. *Y█████ Z█████ ("Ms. Z█████") was a student at UTSC enrolled in the course.*

B. The Course

3. *The Course syllabus contained a paragraph about academic honesty and referenced the Code. Students were given information about expectations of academic integrity, and in particular about plagiarism and writing resources.*

4. *The Course required an Essay, "Assignment 2", to be submitted on March 1, 2016 (the "Paper"). The Paper was worth 15% of the Course mark.*
5. *Ms. Z█ submitted the Paper on March 2, 2016, which was one day late. Ms. Z█ was penalized 10% for the late submission of his Paper. I attach a true copy of Ms. Z█'s Paper titled Assignment 2, as **Exhibit "B"** to my affidavit.*
5. *I was notified by my Teaching Assistant Eliana Vonapartis that Ms. Z█'s Paper contained text copied from internet sources. I compared Ms. Z█'s Paper against the internet sources, which revealed that Ms. Z█'s Paper contained several lengthy passages of text copied from the following sources, which were not put in quotation marks and were not attributed to any source at all:*
 - (a) *FrankenFoodFacts, <http://frankenfoodfacts.blogspot.ca/2015/06/i-got-99-problems-but...>*
 - (b) *GMO Truths and Consequences, [http://www.naturalawakeningsmag.com/Natural-Awakenings/January.....](http://www.naturalawakeningsmag.com/Natural-Awakenings/January...)*

*I attach a true copy of the Ms. Z█'s Paper with highlighting applied to the text copied from the above two internet sources as **Exhibit "C"** to my affidavit. I attach true copies of the internet sources FrankenFoodFacts from <http://frankenfoodfacts.blogspot.ca/2015/06/i-got-99-problems-but> and GMO Truths and Consequences, <http://www.naturalawakeningsmag.com/Natural-Awakenings/January...> as **Exhibits "D"** and **"E"** to my affidavit, respectively.*

7. *I am advised by the Course Coordinator Ahmed Elbassiouny that he asked Ms. Z█ to meet with him to discuss the concerns with her Paper, but that Ms. Z█ did not respond and no meeting was held with her.*
8. *I make this affidavit in connection with the Tribunal hearing into the charges filed against Ms. Z█ on January 26, 2017 under the Code of Behaviour on Academic Matters, 1995, and for no other purpose."*

University's Submissions

5. The University submitted that the evidence clearly established that the Student had committed the academic offense charged.

Standard of Proof

6. The onus is on the University to establish based upon clear and convincing evidence on a balance of probabilities that the academic offence charge has been committed.

Decision of the Tribunal

7. Based on the evidence and the Panel's review of the plagiarized source material, the Student was found guilty of plagiarism contrary to section B.I.1(d) of the *Code*, namely Charge 1 as set out above.
8. The University then withdrew Charge 2.

Reasons for Decision

9. The Panel was satisfied that the evidence submitted before it as set out above, clearly established that in the Winter of 2016, the Student, a registered student at the University of Toronto, was enrolled in BIOB38H3 and that the Student submitted an essay entitled GMO Applorange (the "Essay") as an assignment in this course.
10. The Panel was also satisfied based upon the evidence before it as detailed above, that this essay clearly contained content which was not the Student's own idea or expression of an idea and was in fact the work of another as set out in paragraph 5 of the Affidavit of Connie Soros sworn May 1, 2017 (Exhibit "4") and Exhibits "C", "D" and "E" to that Affidavit.
11. Accordingly, the Panel was satisfied based upon clear and convincing evidence on a balance of probabilities that the Student had knowingly represented as her own an idea or expression of an idea or work of another and had committed the academic offence

charged, namely that she had submitted the Essay as an assignment in BIOB38H3 in the Winter 2016 term and that the Essay contained ideas or expressions of ideas and works of another, which she knowingly represented as her own, contrary to section B.I.1(d) of the *Code*.

Penalty

12. The University did not lead any additional evidence with respect to penalty and submitted that the following penalty should be imposed:
 - (a) a final grade of zero in BIOB38H3 in Winter 2016;
 - (b) a two year suspension from the University to commence on the day the Tribunal makes its order; and
 - (c) a notation of the sanction on the Student's academic record and transcript for three years from the date the Tribunal makes its Order; and
 - (d) that the Tribunal 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.
13. In the University's submission, given that this was a first offence, the foregoing penalty accorded with other decisions of this Tribunal in similar circumstances.
14. After deliberations, the Tribunal ordered 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 BIOB38H3 in Winter 2016;
 - (c) **THAT** the Student be suspended from the University for a period of two years, commencing on May 10, 2017 and ending on May 9, 2019;

- (d) **THAT** the sanction be recorded for a period of three years on the Student's academic record and transcript to the effect that she was sanctioned for academic misconduct for a period of three years, commencing on May 10, 2017 and ending on May 9, 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, with the name of the Student withheld.

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

Reasons for Penalty

16. The Panel was satisfied that given that this was a first offence, this penalty was appropriate given the C [REDACTED] factors (Case No. 1976/77-3, November 5, 1976), and was in accordance with other decisions of this Tribunal in similar circumstances.

Additional Issue

17. Following the hearing of this matter on May 10, 2017, while the Panel was preparing its Reasons for Decision, it encountered an issue for which it requested submissions to be received from the University and from the Student.

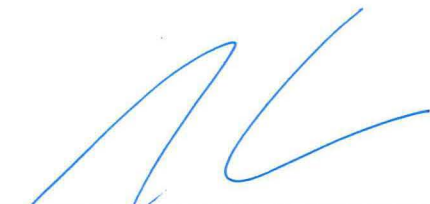
18. In that regard, the Panel noticed that the course identified in the charges against the Student in which it was alleged she had submitted the essay, was "BIOB51H3- Evolutionary Biology" whereas the course identified in the evidence before the Panel as the course in which the Student submitted the essay was "BIOB38H3: Plants in Society.

19. Accordingly, the Panel sought submissions from the University and the Student as to how it should deal with this circumstance. The Panel did not receive any submissions from the Student on this issue but did receive submissions from counsel for the University.

20. After considering the matter, including the University's response to the question posed by the Panel, the Panel concluded that it appeared to clearly be a clerical error by which the charges had contained a reference to the wrong course number than that which was the actual course in which the Student submitted her essay.

21. The Panel was satisfied that the Student had not been, in any way, prejudiced by this typographical error, that she had been fully aware that she had submitted her essay in course "BIOB38H3" and not in "BIOB51H3", that this was made clear by the evidence before the Panel and that all of this evidence had been disclosed to the Student, making it very clear to her which course was in issue in the charges against her as the course in which she submitted her essay.
22. Accordingly, the Panel exercised its discretion pursuant to Section 21.1 of the Statutory Powers and Procedure Act, R.S.O. 1990, c.S.22, to correct this clerical error and directs that the course referenced in the charges be corrected from "BIOB51H3-Evolutionary Biology" to "BIOB38H3: Plants in Society".

Dated at Toronto, this 1st day of August, 2017



Christopher Wirth, Chair