

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on April 25, 2017,

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

- and -

C [REDACTED] W [REDACTED] ([REDACTED])

REASONS FOR DECISION

Date of Hearing: July 28, 2017

Members of the Panel:

Ms. Amanda Heale, Chair
Professor Pascal van Lieshout, Faculty Panel Member
Ms. Alanis Ortiz Espinoza, Student Panel Member

Appearances:

Mr. Robert Centa, Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

In Attendance:

Ms. Lucy Gaspini, Manager, Academic Integrity & Affairs, UTM
Ms. Alexandra Di Blasio, Academic Integrity Assistant, UTM
Ms. Krista Osbourne, Administrative Clerk and Hearing Secretary, Office of the Appeals, Discipline and Faculty Grievances
Mr. Sean Lourim, IT Support, Office of the Governing Council
Mr. Douglas Harrison, Tribunal Co-Chair, Observer

Not in Attendance:

Ms. C [REDACTED] W [REDACTED], the Student

Introduction

1. A hearing before the University Tribunal (the “Tribunal”) was convened on July 28, 2017 to consider the Charges (as defined below) against the Student, C ████████ W ██████ (the “Student”). Counsel for the University presented a Consent (the “Consent”), signed by the Student, acknowledging notice of the hearing and requesting that the Tribunal proceed in the Student’s absence. The Consent was marked as Exhibit 1. On the strength of the Consent, Counsel asked that the Tribunal proceed in the absence of the Student, and the Panel so ordered.

The Charge

2. The charges against the Student (the “Charges”) are as follows:
- (a) On or about July 11, 2016, you knowingly represented as your own idea or expression of an idea, and/or the work of another in your final paper assignment, which you submitted for academic credit in HIS385YO, 2016 (5) (the “Course”) contrary to Section B.I.1(d) of the Code.
 - (b) In the alternative, on or about July 11, 2016, 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 academic work, which violated section B.I.3(b) of the Code.

Particulars

3. The particulars of the offences charged are as follows:
- (a) At all material times you were a registered student at the University of Toronto Mississauga.
 - (b) In May 2016, you enrolled in the Course, which was taught by Prof. John Carroll.
 - (c) Students were required to submit a final paper worth 35% of the final grade as part of the Course requirements.
 - (d) On or about July 11, 2016, you submitted the paper titled “How did Japanese Occupation from 1941-1945 affect the History of Hong Kong?” for academic credit in the Course. It contained ideas, the expression of

ideas, and verbatim or nearly verbatim text from various online sources.

- (e) You knowingly represented the work of other persons as your own. You knowingly included ideas and expressions that were not your own, but were the ideas and expressions of other persons, which you did not acknowledge.
- (f) For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in the submission described above.

Agreed Statement of Facts

4. The hearing proceeded on the basis of an Agreed Statement of Facts (the “ASF”), which was marked as Exhibit 2. Counsel also presented a Joint Book of Documents (the “JBD”) that is referred to in the ASF, which was marked as Exhibit 3. A summary of the agreed facts follows.

5. In Summer 2016, the Student enrolled in HIS385Y0 L30002 – History of Hong Kong (the “Course”). The Course was offered through the University of Toronto’s Summer Program in Hong Kong. Prof. John Carroll taught the Course, and a copy of his Course Syllabus is included in the JBD at Tab 4.

6. The Course explored the history of Hong Kong since the early 1800s from four angles: Chinese history, British Imperial history, world history, and as a place with its own identity.

7. A student’s grade in the Course was based on a number of different assignments. One of the assignments required students to complete a research paper of approximately 3,000 to 4,000 words. This paper could be submitted by students individually, or as part of a group of up to five students. The research paper was worth 35% of the final grade in the Course.

8. Prof. Carroll advised students in the Syllabus that their assignments might be submitted to Turnitin.com and contained an express warning about plagiarism:

Selected written assignments will be submitted to Turnitin.com for verification. Any case of plagiarism will result in a failing grade for that assignment and disciplinary action from the University of Toronto. Please do not even think of plagiarizing!

9. The Syllabus also contained the assignment for the research paper. It advised students as follows:

Use direct quotes sparingly. Generally, put the passage in your own words and cite your source. If you use direct quotes make them very brief. You should also cite page numbers whenever you mention specific details from the readings.

...

Footnotes enable you to acknowledge quotations or ideas that are not your own, and to protect yourself from charges of plagiarism (stealing someone else's words or ideas). You must use footnotes whenever you use a direct quote from a document or a secondary source (such as a book or article), or whenever you use someone else's ideas, even when you are not making a direct quotation.

...

Bibliography

Provide a list, without numbers and alphabetized by the surname of the author, of all sources that you have used.

10. On or about July 11, 2016, the Student and three other students submitted a paper titled "How Did Japanese Occupation from 1941-1945 affect the History of Hong Kong?" in completion of the research paper assignment ("Essay"). A copy of the Essay is included in the JBD at Tab 5
11. Prof. Carroll reviewed a Microsoft Word version of the Essay. He used the track changes feature of Microsoft Word to mark his comments on the Essay ("Annotated Essay"). A copy of the Annotated Essay is included in the JBD at Tab 6
12. On July 18, 2016, Prof. Carroll submitted the Essay to Turnitin.com. A copy of the Turnitin Originality report is included in the JBD at Tab 7 Prof. Carroll was concerned by the high similarity index (33%) and the fact that there appeared to be a significant match between the Essay and a Wikipedia article, which the students had not included in Essay's bibliography.
13. Prof. Carroll located the Wikipedia article on the Japanese Occupation of Hong Kong. A copy of excerpts of the Wikipedia Article is included in the JBD at Tab 8 Prof.

Carroll compared the Wikipedia article to the Essay and concluded that the students had included verbatim and nearly verbatim excerpts from the Wikipedia article in the Essay without appropriate attribution.

14. A highlighted copy of the Essay (“Highlighted Essay”) is included in the JBD at Tab 9

15. The lettered and highlighted portions of the Highlighted Essay correspond to those in the highlighted version of the Wikipedia article, which is included in the JBD at Tab 10

16. The students submitted the Essay on July 11, 2016, which was the day after the Course ended. For that reason, Prof. Carroll was not able to discuss his concerns about the Essay with any of them. Although he was not able to discuss the case with the students in person, he did notify them by email on July 23, 2016, that he had discovered the plagiarism and had reported the case to Woodsworth College. The Student did not reply to that email message.

17. On January 31, 2017, the Student met with Prof. Michael Georges, the Dean’s Designate for Academic Integrity at the University of Toronto Mississauga. During this meeting, the Student admitted that by submitting the Essay, she committed the offence of plagiarism as described by the Code.

18. The Student admits that she knowingly:

- (a) included verbatim and nearly verbatim excerpts from the Wikipedia article in the Essay;
- (b) failed to attribute those verbatim and nearly verbatim excerpts appropriately using quotation marks and appropriate citations;
- (c) represented the ideas and work found in the sources as her own;
- (d) committed plagiarism contrary to section B.I.1(d) of the Code; and
- (e) engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.I.3(b) of the Code.

19. The Student acknowledges that the Provost advised her of her right to obtain legal counsel and that she either obtained that advice or waived her right to do so. The Student

acknowledges that she is signing this ASF freely and voluntarily, knowing of the potential consequences she faces.

Findings on Charges

20. Following deliberations and based on the ASF and the JBD, the Panel concluded that the first charge (as outlined in paragraph 2 above) had been proven with clear and convincing evidence on a balance of probabilities, and accepted the guilty plea of the Student in respect of that charge. The Panel was advised that if the Tribunal convicts the Student on the first charge, the University would withdraw the alternative charge.

Penalty

21. The University and the Student submitted an Agreed Statement of Facts and Joint Submission on Penalty (the “JSP”), which was marked as Exhibit 4. In the JSP, the parties submitted that the Tribunal should impose the following sanctions on the Student:

- a) a final grade of zero in HIS385Y0 L30002 – History of Hong Kong (the “Course”);
- b) a suspension from the University for three years commencing January 1, 2018; and
- c) a notation of the sanction on her academic record and transcript for four years from the day the Tribunal makes it order.

22. The parties also submitted that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University newspapers, with the name of the Student withheld.

23. Counsel for the University provided submissions on the high threshold required for a Tribunal to deviate from a joint submission on penalty. As set out in the Discipline Appeals Board decision in *The University of Toronto and M. A.* (Case No. 837, December 22, 2016), a joint submission on penalty “may be rejected by a panel only in

circumstances where to give effect to it would be contrary to the public interest or would bring the administration of justice into disrepute” (para 25).

24. The Student is currently serving a 12 month suspension for academic misconduct, and it was for this reason that the JSP proposed a 3-year suspension commencing on January 1, 2018. Counsel for the University submitted that it is important that sentences not overlap when they both arise from academic misconduct.

25. In the Panel’s view, the joint submission in this case is reasonable. In particular, the Panel took into consideration the seriousness of the offence, as well as the fact that this was not the Student’s first offence. As reflected in the JSP, the Student had previously been sanctioned for obtaining an academic advantage over other students and for unauthorized assistance and plagiarism. The latter offence was admitted by the Student only three months prior to the conduct that gave rise to the Charges.

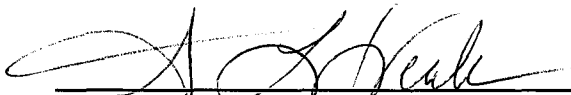
26. However, there were also mitigating factors to consider. The Student had cooperated in the process and entered into the ASF and JSP, thereby showing that she had accepted responsibility for her conduct.

27. Having regard to the above, and based on its review of similar cases presented by counsel to the University, the Panel agreed that the recommended sanctions are appropriate in the circumstances, and made the following order:

- a) The Student is guilty of one count of the academic offence of plagiarism, contrary to section B.I.1(d) of the Code of Behaviour on Academic Matters.
- b) the following sanctions shall be imposed on the Student:
 - i. a final grade of zero in HIS385Y0 L3002;
 - ii. a suspension from the University for three years commencing January 1, 2018; and
 - iii. a notation of the sanction on her academic record and transcript for four years from the day the Tribunal makes its order.

- c) 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 27th of October, 2017,

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

Ms. Amanda Heale, Chair