

**THE UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION**

IN THE MATTER OF charges of academic dishonesty filed on October 30, 2012,

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

BETWEEN:

THE UNIVERSITY OF TORONTO

- AND -

T [REDACTED] Z [REDACTED]

REASONS FOR DECISION

Hearing Date: March 22, 2013

Members of the Panel:

Mr. Bernard Fishbein, Barrister and Solicitor, Chair

Professor Louis Florence, Department of Management University of Toronto Mississauga,
Faculty Panel Member

Mr. David Kleinman, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers

Ms. Kaylee Silver, Legal Case Worker, Downtown Legal Services

In Attendance:

Mr. T [REDACTED] the Student

Ms. Kristi Gourlay, Manager, Office of Student Academic Integrity, Faculty of Arts and Science

Mr. Jason Marin, Administrative Assistant, Appeals, Discipline and Faculty Grievances

1. A hearing of the Trial Division of the University Tribunal was held on Friday March 22, 2013 to deal with charges against T [REDACTED] Z [REDACTED] ("the Student") under the University's Code of Behaviour on Academic Matters (the "Code"):

- 1) On or about August 14, 2012 you knowingly represented the ideas, or the expressions of the ideas, of another as your own work in an essay that you submitted in the University of Toronto course JGI346H1 ("Course"), contrary to section B.I.1(d) of the Code.
- 2) On or about August 14, 2012, you knowingly submitted academic work containing a purported statement of fact or reference to a source which has been concocted in an essay that you submitted in the Course, contrary to section B.I.1(f) of the Code.
- 3) In the alternative, by submitting the essay in the Course, 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.

2. At the hearing, where the Student was represented by counsel, the parties filed a signed Agreed Statement of Facts as follows:

1) 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 purpose of this hearing, the Provost and T [REDACTED] Z [REDACTED] ("Mr. Z [REDACTED]") have prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The Provost and Mr. Z [REDACTED] agree that:

- (a) each document contained in the JBD may be admitted into evidence at the Tribunal for all purposes, including for 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.

A. Charges and guilty plea

2) Mr. Z [REDACTED] admits that he received a copy of the charges filed by the Provost. The charges are included in the JBD at Tab 1.

- 3) Mr. Z [REDACTED] admits that he received a copy of the Notice of Hearing in this matter and that he has received reasonable notice of this hearing. A copy of the notice of hearing is included in the JBD at Tab 2.
- 4) Mr. Z [REDACTED] waives the reading of the charges filed against him, and pleads guilty to all three charges.
- 5) The Provost agrees that if the Tribunal convicts Mr. Z [REDACTED] on charges 1 and 2, the Provost will withdraw charge 3.
- 6) At all material times, Mr. Z [REDACTED] was a registered student at the University of Toronto Mississauga. A copy of Mr. Z [REDACTED]'s current academic record is included in the JBD at Tab 3.

B. The Course: JGI 346S

- 7) In the Summer 2012 term, Mr. Z [REDACTED] enrolled in JGI 346 S – The Urban Planning Process, which was taught by Vanessa Parlette.
- 8) A copy of the syllabus for the Course (“Syllabus”) is included in the JBD at Tab 4. Mr. Z [REDACTED] admits that he received a copy of the Syllabus. The Syllabus stated, in part, as follows:

On Academic Integrity

Academic integrity is essential to the pursuit of learning and scholarship in a university, and to ensuring that a degree from the University of Toronto is a strong signal of each student’s individual academic achievement. As a result, the University treats cases of cheating and plagiarism very seriously. The University of Toronto’s Code of Behaviour on Academic Matters (www.governingcouncil.utoronto.ca/policies/beheaveac.htm) outlines the behaviours that constitute academic dishonesty and the processes for addressing academic offences. Potential offences include, but are not limited to:

In papers and assignments:

1. Using someone else’s ideas or words without appropriate acknowledgement.
2. Submitting your own work in more than one course without the permission of the instructor.
3. Making up sources or facts.
4. Obtaining or providing unauthorized assistance on any assignment.

On tests and exams:

1. Using or possessing unauthorized aids.

2. Looking at someone else's answers during an exam or test.
3. Misrepresenting your identity.

In academic work:

1. Falsifying institutional documents or grades.
2. Falsifying or altering any documentation required by the University, including (but not limited to) doctor's notes.

All suspected cases of academic dishonesty will be investigated following procedures outlined in the Code of Behaviour on Academic Matters. If you have questions or concerns about what constitutes appropriate academic behaviour or appropriate research and citation methods, you are expected to seek out additional information on academic integrity from your instructor or from other institutional resources (see www.utoronto.ca/academicintegrity/resourcesforstudents.html).

- 9) Mr. Z [REDACTED] submitted a reading response, which was worth 7.5% of the final grade in the Course. The instructor gave him zero out of ten marks on that assignment because significant portions of the assignment consisted of unacknowledged direct quotations. Prof. Parlette warned Mr. Z [REDACTED] that failing to acknowledge direct quotations constituted plagiarism. She also provided him with resources to ensure that he would properly document his sources in future work.
- 10) At about that time, Prof. Parlette also lectured regarding proper citation requirements and how to avoid common citation errors. She directed all students to read the resource sheet titled "How Not to Plagiarise", a copy of which is included in the JBD at Tab 5.
- 11) The academic requirements for the Course included a Planning Issue Paper, which was the final assignment in the Course, and which was worth 30% of the final grade.
- 12) On August 14, 2012, Mr. Z [REDACTED] submitted a document titled "Final Paper" in partial completion of the Course requirements ("Essay"). Prof. Parlette graded the Essay and noted that several of the passages in the Essay were reproduced verbatim or nearly verbatim from secondary sources, some of which were not listed in the Essay's endnotes. In addition, several passages in the Essay were not identified through the use of quotation marks or any other method of indicating that they were verbatim or nearly verbatim quotes from a secondary source.
- 13) A copy of Mr. Z [REDACTED]'s Essay is included in the JBD at Tab 6. It has been highlighted to indicate the text in his essay that was taken verbatim or nearly verbatim from the secondary sources. Mr. Z [REDACTED] agrees that the highlighted

text should have been referenced appropriately using quotation marks and references to those works.

14) With respect to the Essay, Mr. Z [REDACTED] admits that he knowingly:

- (a) included verbatim and nearly verbatim excerpts from secondary sources, which are included in the JBD at Tab 7., including:
 - i. The City of Toronto “Bike Plan”;
 - ii. The City of Toronto “Jarvis Street Pre- and Post-Bicycle Lane Collision Review”;
 - iii. a letter dated May 15, 2012, from counsel for Cycle Toronto to the Hon. James Bradley, Minister of the Environment, Province of Ontario;
 - iv. City of Toronto, “Changing Gears: Toronto for Cyclists Cycling Report”;
 - v. Jake Garrett, “Cycling in Toronto Still an Uphill Climb” *Torontoist* (May 24, 2011); and
- (b) failed to attribute those verbatim and nearly verbatim excerpts appropriately using quotation marks.

15) Mr. Z [REDACTED] admits that he knowingly:

- (a) represented in the Essay the ideas of another person, the expression of the ideas of another person, and the work of another person as his own;
- (b) committed plagiarism in the Essay contrary to section B.I.1(d) of the *Code*;
- (c) submitted the Essay knowing that it contained purported references to sources that had been concocted, contrary to section B.I.1(f) and
- (d) 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*.

C. The meeting with the Dean’s Designate

16) On September 19, 2012, Mr. Z [REDACTED] met with Prof. John Britton, the designate of the Dean of the Faculty of Arts and Science at the University of Toronto. Mr. Z [REDACTED] admits that Prof. Britton provided the warning that was required to be given to him under the Code.

17) Mr. Z [REDACTED] admitted to Prof. Britton that he had violated the code by committing plagiarism in the Essay.

D. Acknowledgments

18) Mr. Z [REDACTED] acknowledges that:

- (a) the Provost Toronto has advised Mr. Z [REDACTED] of his right to obtain legal counsel and that Mr. Z [REDACTED] has done so;
- (b) he is signing this ASF freely and voluntarily, knowing of the potential consequences he faces, and does so with the advice of counsel.

3. In addition, at the hearing, the Student again orally confirmed his agreement to the facts as set forth in the document, his guilty plea and his appreciation that serious consequences would flow from that. As a result the panel unanimously finds that the University had established violations of Sections B.1.1(d) and (f) of the Code. As agreed the University withdrew its charges of violation of Section B.1.3 (b) of the Code.

4. The parties then filed a signed Joint Submission on Penalty and Agreed Statement of Facts as follows:

1) 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 purpose of this hearing, the Provost and T [REDACTED] Z [REDACTED] ("Mr. Z [REDACTED]") have prepared this Joint Submission on Penalty and Agreed Statement of Facts ("JSP"). The Provost and Mr. Z [REDACTED] agree that:

- (a) each document attached to the JSP may be admitted into evidence at the Tribunal for all purposes, including for 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.

A. Joint Submission on Penalty

2) The Provost and Mr. Z [REDACTED] submit that, in all the circumstances of the case, the University Tribunal should impose the following sanctions on Mr. Z [REDACTED]:

- (a) a final grade of zero in the course JGI346H1;

- (b) a five-year suspension from the University from the day the Tribunal makes its order until March 21, 2018; and
 - (c) a notation of the sanction on his academic record and transcript until the date he graduates from the University.
- 3) The parties agree 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.

B. First Prior Offence

- 4) In Winter 2008, Mr. Z█████ enrolled in the course MAT133Y. The final examination in MAT133Y was held on May 2, 2008. During the examination, Mr. Z█████ and another student were observed to be acting in a manner that raised the concern of examination officials.
- 5) On September 17, 2008, during a meeting with the Dean's Designate for Academic Integrity, Mr. Z█████ acknowledged that he had been sharing information inappropriately during the examination with his friend. He admitted that he had committed an academic offence.
- 6) On September 22, 2008, the Dean's Designate for Academic Integrity advised Mr. Z█████ that he had imposed the following sanction on Mr. Z█████: a mark of zero on the examination, and a one year transcript annotation commencing on the date of the offence. A copy of this letter is attached to the JSP at Tab 1.

C. Second Prior Offence

- 7) In Fall 2009, Mr. Z█████ enrolled in the course FAH216H. On January 14, 2010, Mr. Z█████ met with the Dean's Designate for Academic Integrity in the Faculty of Arts and Science to discuss a possible academic offence. Mr. Z█████ admitted that he had committed plagiarism in an assignment in that course.
- 8) On January 19, 2010, the Dean's Designate for Academic Integrity advised Mr. Z█████ that he had imposed the following sanction: a final grade of zero on the assignment and a further reduction in the final mark on the course of 30 marks. In addition, the Dean's Designate for Academic Integrity suspended Mr. Z█████ from the University from January 1, 2010 until August 31, 2010 and annotated his transcript until November 5, 2011. A copy of the letter announcing this sanction is attached to the JSP at Tab 2.

D. Impact of Sanction on Student

- 9) Successful completion of JGI346 was Mr. Z [REDACTED]'s last requirement prior to his graduation. In light of the charges against him, Mr. Z [REDACTED] has not been able to graduate as previously anticipated. As a result of this delay, Mr. Z [REDACTED]'s Student Visa has been revoked and he faces deportation back to Jordan.

E. Acknowledgments

10) Mr. Z [REDACTED] acknowledges that:

- (a) the Provost has advised him of his right to obtain legal counsel and that he has done so;
- (b) he is signing this JSP freely and voluntarily, knowing of the potential consequences he faces, and does so with the advice of counsel.

5. The Student again orally confirmed his agreement to these facts and the joint submission on penalty and appreciation of the serious consequences that would ensue. The panel heard submissions from both University counsel and counsel for the Student urging the panel to accept the joint submission on penalty. The panel unanimously finds no reasoning the circumstances of this case to depart from the penalty agreed upon between the parties and accepts the joint submission as to penalty.

Dated at Toronto, this 12th day of April, 2013.



Mr. Bernard Fishbein, Co-Chair