

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL – TRIAL DIVISION**

IN THE MATTER OF charges of academic dishonesty filed on July 10, 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

B E T W E E N:

THE UNIVERSITY OF TORONTO

- AND -

Z [REDACTED] A [REDACTED]

Date of Hearing: February 6, 2013

Members of the panel:

Mr. John Keefe, Chair

Professor Ann Tourangeau, Faculty Panel Member

Mr. Afshin Ameri, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel for the University of Toronto, Paliare Roland Barristers

Mr. Jeff Marshman, Legal Case Worker for the Student, Downtown Legal Services

In Attendance:

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

Ms. Lucy Gaspini, Manager, Academic Integrity & Affairs, University of Toronto Mississauga

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

REASONS FOR DECISION

1. The Trial Division of the University Tribunal was convened on Wednesday, February 6, 2013 to consider charges brought under the *Code of Behaviour on Academic Matters, 1995* (“Code”) and laid against the Student by letter dated July 10, 2012 from Professor Edith Hillan, Vice-Provost, Faculty & Academic Life.

The Charges

2. The charges are as follows:

- (i) On or about February 5, 2012, you knowingly represented the ideas, or the expressions of the ideas, of another as your own work in an essay submitted in the University of Toronto course WGS 336 (“Course”), contrary to section B.I.1(d) of the Code.
- (ii) On or about February 5, 2012, you knowingly submitted an essay containing purported references to sources that had been concocted to obtain academic credit in the Course, contrary to section B.I.1(f) of the Code.
- (iii) 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.

3. At the outset of the hearing, the Tribunal was informed that the matter would proceed on the basis of an Agreed Statement of Facts, dated February 5, 2013.

4. The details of the Agreed Statement of Facts are summarized as follows:

- (a) In the Winter 2012 term, the Student enrolled in WGS 336 H5S – Women, History and Representation which was taught by Courtney Cauthon and Michelle MacArthur.
- (b) The Course syllabus included a warning as to the obligations of the Student to avoid plagiarism and to maintain Academic Integrity. Reference was also made

to the website of the University of Toronto that provided guidance as to proper citation and referencing. The syllabus also referred to the Writing Resources Facilities at the University of Toronto.

- (c) The academic requirements for the Course included a reading response, which was worth approximately 7% of the final grade in the Course. This reading response was due on February 5, 2012.
- (d) On February 5, 2012, the Student submitted a document entitled "Response 2" in partial completion of the Course requirements ("Essay").
- (e) The instructors in the Course graded the Essay and noted that several of the passages in the Essay were reproduced verbatim or nearly verbatim from a secondary source that was 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.
- (f) The Student admits that she knowingly included verbatim or nearly verbatim excerpts from secondary sources, failed to attribute those verbatim and nearly verbatim excerpts appropriately using quotation marks and used page references that were purportedly references to a version of a secondary source that was cited in the Essay, but were in fact references to a different version of that secondary source.
- (g) The Student admits that she knowingly:
 - (i) represented in the Essay the ideas of another person, the expression of the ideas of another person, and the work of another person as her own;
 - (ii) committed plagiarism in the Essay contrary to section B.I.1(d) of the *Code*;
 - (iii) submitted the Essay knowing that it contained purported references to sources that had been concocted, contrary to section B.I.1(f); and
 - (iv) 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*.
- (h) On June 18, 2012, the Student met with Professor Sidney Aster, the designate of the Dean of the University of Toronto Mississauga. Professor Aster provided the warning that was required to be given to her under the *Code*. In the course of the meeting, the Student admitted to Professor Aster that she had violated the *Code* by committing plagiarism in the Essay. She signed a written admission of guilt that was included as an Exhibit to the Agreed Statement of Facts.

5. The Student attended the hearing with a representative of Downtown Legal Services. She acknowledged that the Agreed Statement of Facts was true and that she wished to plead guilty.

Decision

6. On the basis of the Agreed Statement of Facts and the plea of guilty, the Tribunal accepted the plea and made a finding that the Student was guilty of Count 1. The remaining charges were withdrawn.

Penalty

7. The Tribunal was then provided with a Joint Submission on Penalty and Agreed Statement of Facts dated February 5, 2013. In the Joint Submission on Penalty, the Tribunal was provided with information concerning two prior academic offences committed by the Student as well as significant mitigating factors that were taken into consideration when preparing the Joint Submission on Penalty. A summary of the relevant facts is set out below.

8. In the Winter Term, 2009, Ms. A ■ submitted an essay in Course ANT 317 H5S which was worth 30% of the final grade. Her Professor identified that the essay contained significant amounts of plagiarism. She admitted that she had committed plagiarism, she expressed her remorse and requested a second chance.

9. The Professor spoke to the Chair of his department explaining the nature of the plagiarism in the essay and the explanation offered by the Student.

10. On May 21, 2009, Lynn Snowden, the Assistant Dean of the University of Toronto Mississauga, advised the Student that he was prepared to resolve the matter on the basis that Ms. A ■ would receive a final grade of zero in the assignment.

11. On May 27, 2009, the Student admitted that she committed plagiarism, waived her right to an interview with the Dean, and accepted the mark of zero in the assignment in question.

12. At the time, the Assistant Dean, Lynn Snowden, advised the Student that the penalty being proposed was considered light in the circumstances.

Second Prior Offence

13. In the Fall of 2009, the Student enrolled in RLG 348. One of the course requirements was an essay worth 20% of the final grade. A review of the essay indicated that it contained significant amounts of plagiarism. The Student's professor, Professor Raffaelli, met with the Student on November 3, 2009 at which time she admitted that she had committed plagiarism.

14. On June 5, 2010, the Student met with the Dean's Designate for Academic Integrity and admitted that she had committed plagiarism in the essay. Her explanation for the plagiarism was a state of confusion at the moment of writing the essay and by the fact that she was not aware that the use she made of the sources was against the rules.

15. The Dean's Designate imposed the following sanction:

- (a) a final grade of zero in RLG 348;
- (b) an eight-month suspension from the University from May 1, 2010 to December 31, 2010;
- (c) an annotation on the Student's academic record and transcript to run from January 25, 2010 to January 25, 2011.

Mitigating Factors

16. The Tribunal was presented with significant mitigating factors concerning the circumstances of the Student at the time that this offence was committed. These mitigating factors are described below:

- (a) In January 2008, Ms. A ■ married M ■ B ■ A ■. Mr. A ■ was living in Afghanistan and their marriage was arranged. The two had never met previously. Their relationship was not a happy one, and conflict only increased after Ms. A ■ became pregnant in August 2011.
- (b) Given that the assignment was a short written piece worth approximately 7%, Ms. A ■ was working on it the day before it was due, February 4, 2012. On this day, Mr. A ■ informed Ms. A ■ that he was leaving her. He suggested that she seek to procure an abortion as he wanted nothing to do with either her or their child.
- (c) After Mr. A ■ departed, Ms. A ■ sought support and counsel from her family. When she called her mother and explained the situation, her mother was not supportive. Ms. A ■'s family had previously instructed her not to get pregnant until her marital difficulties were resolved. They had also frowned on her "choice" to get pregnant prior to finishing school. In response to Ms. A ■'s call, her mother informed her that these problems were all of her own doing, and hung up. To this day, Ms. A ■ remains ostracized from her family and has no contact with them.
- (d) Ms. A ■ is now the sole provider for her young daughter. She is anxious to complete her degree in order to facilitate her capacity to effectively support herself and her child. She is concerned that the longer she is out of school, the more difficult it will be to return and complete her degree, thus depriving her of valuable labour-market advantages necessary to forge a stable life for her and her daughter.

17. The Joint Submission on Penalty recommended the following sanctions:

- (a) a final grade of zero in Course WGSD 336 H5S;
- (b) a suspension from the University from the day the Tribunal makes its Order until August 30, 2016; and
- (c) a notation of the sanction on her academic record and transcript until the earlier of the date the Student graduates from the University or a period of five (5) years after the day the Tribunal makes its Order.

18. The parties also agreed that the 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.

19. The Tribunal had the opportunity to hear the submissions of counsel for the University and the Student and to ask questions of the Student. In the course of the hearing, the Tribunal was advised that the Student had completed all of the courses necessary for her to graduate and the only impediment to her graduation was the outcome of the Tribunal's hearing. The Student indicated her interest in either resuming her studies at the University or, at a minimum, to graduate from the University.

20. In support of the recommended penalty, counsel for the University provided the Tribunal with previous decisions of the Tribunal and decisions of the Courts that indicate that the Tribunal should give effect to Joint Submissions on Penalty, except in unusual circumstances. Counsel for the Student confirmed that, in his submission, the penalty was appropriate in the circumstances. The Tribunal concluded that it was prepared to accept the Joint Submission on Penalty, concluding that it struck the appropriate balance between the interests of the University and the Student, taking into account the seriousness of the offence, the fact that it was a third offence of plagiarism, together with the significant mitigating circumstances which included not only the Student's personal circumstances, but also the fact that the Essay was a relatively minor assignment compared to earlier assignments in which the Student had committed plagiarism.

21. In addition, the Tribunal took into account the fact that the Student admitted the offence and cooperated throughout. She attended the hearing. It is very clear that she understood the seriousness of the offence and that she was prepared to acknowledge her wrongdoing and move on.

22. It is unfortunate that the Student, faced with a significant personal crisis, did not exercise appropriate judgment to contact her Professor and seek relief from the requirement of this assignment or an extension of time to complete it. Having said that, plagiarism was not the answer to her dilemma and the fact that this was her third offence made it difficult for the Tribunal to consider that the penalty proposed by the parties in the Joint Submission on Penalty was inappropriate.

Decision

23. Accordingly, the Tribunal orders the following penalty:

- (a) a final grade of zero in Course WGSD 336 H5S;
- (b) a suspension from the University from February 6, 2013 to August 30, 2016;
- (c) a notation of the sanction on the Student's academic record and transcript until the earlier of the date the Student graduates from the University or a period of five (5) years after the day the Tribunal makes its Order; and
- (d) 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.

March 7, 2013

Date


John Keefe, Chair