

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

IN THE MATTER OF charges of academic dishonesty made on September 5, 2013,

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 (the "University")

- AND -

Q ■ C ■ (the "Student")

Hearing Dates: September 16, 2013 and October 4, 2013

Panel Members:

Ms. Roslyn M. Tsao, Barrister and Solicitor, Chair
Professor Charmaine Williams, Faculty of Social Work, Faculty Panel Member
Ms. Maria Wei, Student Panel Member

Appearances:

Mr. Robert A. Centa, Assistant Discipline Counsel for University

In Attendance:

The Student, in person
Ms. Lucy Gaspini, Manager, Academic Integrity and Affairs, University of Toronto Mississauga
Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances
Ms. Sinéad Cutt, Administrative Assistant, Appeals, Discipline and Faculty Grievances

Reasons for Decision

Delivered by Ms. Roslyn M. Tsao

1. The hearing of this matter was originally scheduled for September 16, 2013. The Student was prepared to enter a plea of guilty to certain charges. However, on the Panel's initiative, the matter was adjourned to October 4, 2013 to permit the Student to seek and obtain legal advice from Downtown Legal Services. An Endorsement of that date was rendered regarding the terms of that adjournment.
2. On October 4, 2013, the matter returned before me and a differently constituted panel. The Student confirmed that she had consulted with Downtown Legal Services and was prepared to proceed without their representation.
3. The Student was charged with the following offences relating to two distinct homework assignments:
 - (a) LIN 228 Charges
 1. On or about November 21, 2012, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in Homework Exercise #3, which you submitted for academic credit in LIN 228, contrary to section B.I.1(d) of the *Code*.
 2. On or about November 21, 2012, you knowingly possessed an unauthorized aid, or obtained unauthorized assistance, in connection with Homework Exercise #3, which you submitted for academic credit in LIN 228, contrary to section B.I.1(b) of the *Code*.
 3. In the alternative, on or about November 21, 2012, 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 Homework Exercise #3 that you submitted for academic credit in LIN 228, contrary to section B.I.3(b) of the *Code*.
 - (b) CSC 108 Charges
 4. On or about November 30, 2012, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in Assignment 2, which you submitted for academic credit in CSC 108, contrary to section B.I.1(d) of the *Code*.
 5. On or about November 30, 2012, you knowingly possessed an unauthorized aid, or obtained unauthorized assistance, in connection with Assignment 2, which you

submitted for academic credit in CSC 108, contrary to section B.I.1(b) of the Code.

6. In the alternative, on or about November 30, 2012, 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 Assignment 2, which you submitted for academic credit in CSC 108, contrary to section B.I.3(b) of the Code.

Facts of the Case

4. The University and Student submitted an Agreed Statement of Facts ("ASF"), Appendix A.
5. In the ASF, the Student pleaded guilty to all charges and the Provost agreed to withdraw Charge 3 if the Student was found guilty of either Charge 1 or 2 and to withdraw Charge 6 if the Student was found guilty of either Charge 4 or 5.

Decision of the Tribunal

6. Based on the foregoing admitted facts, the Tribunal accepts the plea of guilty from the Student for Charges 2., 4. and 5.
7. The Panel did not find that the facts, as admitted to by the Student, strictly supported a finding of guilt for the plagiarism Charge 1 in the LIN 228 course. The Student admitted to using an Answer Key from the course in a prior year, which supported a finding of guilt for Charge 2 – use of an unauthorized aid – but the Panel did not find that there was an additional offence of "plagiarism" made out.
8. However, the facts relating to the CSC 108 course, as admitted, supported a finding of guilt for both plagiarism and the use of unauthorized assistance as the Student admitted to copying computer code from another student's answer without attribution/citation.
9. Charges 3. and 6. were withdrawn.

Penalty

10. The Student and University submitted a Joint Submission on Penalty ("JSP"), Appendix B.

11. The Student had been sanctioned for academic misconduct on a prior occasion in April, 2011 relating to 3 homework assignments for the use of unauthorized assistance and had received a mark of zero in each of the assignments.
12. This prior misconduct is a very serious aggravating factor given that the prior offence was of like misconduct.
13. However, the Student again admitted her guilt of misconduct for the two matters herein with the Dean's Designate and cooperated with the University in entering her guilty plea.
14. In light of the facts of this case, the early admissions of guilt by the Student and the joint submission regarding penalty, and the prior Decisions from this Tribunal which counsel provided, the Tribunal accepts the JSP and imposes the agreed penalty of:
 - (a) a final grade of zero in each of the courses LIN 228, CSC 108;
 - (b) the Student shall be suspended from the University from the date of this order until August 30, 2016; and
 - (c) a notation shall be placed on the Student's academic record and transcript until August 30, 2016.
15. The Tribunal shall report this decision to the Provost for publication of a Notice of this decision and the sanction in the University newspaper, with the Student's name withheld.
16. An Order, with the penalty, was signed by the Tribunal at the hearing.

Dated at Toronto, this 10th day of October, 2013.



ROSLYN M. TSAO
Co-Chair

APPENDIX A

Agreed Statement of Facts

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on September 5, 2013
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.

NO. 1

BETWEEN:

THE UNIVERSITY OF TORONTO

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO
AND

- and -

C. C. [REDACTED]

[REDACTED]
This Exhibit is produced by
the University
this 16th day of Sept., 2013.
[Signature]

AGREED STATEMENT OF FACTS

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 C. C. [REDACTED] ("Ms. C. [REDACTED]") have prepared this Agreed Statement of Facts ("ASF") and joint book of documents ("JBD").

The Provost and Ms. C. [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.

2. Ms. C [REDACTED] admits that she received a copy of the charges filed by the Provost. The charges are included in the JBD at Tab 1.
3. Ms. C [REDACTED] admits that she received the notice of hearing, which is included in the JBD at Tab 2. She acknowledges that she received reasonable notice of the hearing.
4. Ms. C [REDACTED] waives the reading of the charges filed against her and pleads guilty to all charges. The Provost agrees that if the Tribunal convicts Ms. C [REDACTED]:
 - (a) on either of charges 1 or 2, the Provost will withdraw charge 3; and
 - (b) on either of charges 4 or 5, the Provost will withdraw charge 6;
5. A copy of Ms. C [REDACTED]'s academic record dated September 10, 2013, is included in the JBD at Tab 3.

A. LIN 228 – Charges 1 to 3

6. In Fall 2012, Ms. C [REDACTED] enrolled in LIN 228 – Phonetics, which was taught by Ivan Chow. A copy of the course outline for LIN 228 is included in the JBD at Tab 4.
7. Homework Exercise # 3, which, was worth 10% of the final grade in LIN 228 was to be submitted by students on November 21, 2002 (“Assignment 3”). A copy of Assignment 3 is included in the JBD at Tab 5. S.C.
8. Prof. Chow prepared an answer key for Assignment 3 (“Answer Key”). A copy of the Answer Key is included in the JBD at Tab 6. Prof. Chow gave a copy of the Answer Key to Joanna Chocie, the teaching assistant in LIN 228, so that she could mark Assignment 3.

S.C.

9. On or about November 21, 2013, Ms. C ■ submitted her answers to Assignment 3 ("C ■ Assignment"). A copy of the C ■ Assignment is included in the JBD at Tab 7.
10. When Mr. Chociej marked the C ■ Assignment, she noticed that it was virtually identical to the Answer Key including that:
- (a) in Question 1 (sagittal drawings), for the sagittal drawing for the doubly articulated segments [pk]/[kp], even though the students were asked to only provide one possible answer, Ms. C ■ provided both possible answers in the exact same order as those in the Answer Key.
 - (b) in Question 2 (sagittal drawings), Ms. C ■'s drawings were strikingly similar to those provided in the Answer Key. The drawings in the Answer Key were deliberately exaggerated in order to highlight the important articulators involved in making those sounds. Ms. C ■'s drawings were done as if she had out a sheet of paper directly on top of the Answer Key and traced them. None of the other students in the course had made drawings like this.
 - (c) for Questions 3, part a) only two answers were requested for each part. However, Ms. C ■ again gave two extra answers, and these answers were written in the same order as those given in the Answer Key. For parts b), c) and d), although the order of words was different, the choice of vocabulary was exactly the same as those given in the Answer Key.
11. Mr. Chociej concluded that the similarity between Ms. C ■'s answer and the Answer Key was highly unusual and that no other assignment was so similar to the Answer Key.

12. Ms. C ■ states that she received materials from a student that had taken LIN 228 in a prior year. Ms. C ■ states that this material may have included an answer key from the prior year.
13. With respect to the C ■ Assignment, Ms. C ■ admits that she knowingly:
 - (a) included verbatim and nearly verbatim excerpts from the Answer Key;
 - (b) failed to indicate in any way that her answers were based on the Answer Key;
 - (c) represented the ideas and work of the course instructor as her own;
 - (d) committed plagiarism contrary to section B.I.1(d) of the *Code*;
 - (e) obtained unauthorized assistance from the Answer Key; and
 - (f) engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.I.1(b) of the *Code*.

B. CSC 108 – Charges 4 to 6

14. In Fall 2012, Ms. C ■ enrolled in CSC 108 – Introduction to Computer Programming, which was taught by Andrew Petersen. A copy of the course outline in CSC 108 is included in the JBD at Tab 8.
15. The academic requirements for CSC 108 included Assignment # 2, which was worth 10% of the final grade in CSC 108. A copy of Assignment # 2 is included in the JBD at Tab 9.

16. On or about November 30, 2012, Ms. C [REDACTED] submitted her response to Assignment # 2. A copy of Ms. C [REDACTED]'s submission is included in the JBD at Tab 10.
17. Prof. Petersen used a computer program to analyze the code submitted by all students in the class. This analysis revealed that Ms. C [REDACTED]'s submission was unexpectedly similar to the submission of Y [REDACTED] C [REDACTED], another student in the class. In particular, Prof. Petersen noticed that between the two submissions:
- (a) several large chunks of code were nearly identical, except for the variable names;
 - (b) the spacing in those nearly identical chunks of code was non-standard and identical, which suggested that one had been copied and pasted from the other; and
 - (c) both students made extensive use of list comprehensions, which are ^{not} taught in the course. S.C.
18. Ms. C [REDACTED] states that her boyfriend provided her with a USB key that contained Y [REDACTED] C [REDACTED]'s assignment and that she copied his assignment into her own work.
19. Ms. C [REDACTED] admits that she knowingly:
- (a) included verbatim and nearly verbatim excerpts from Y [REDACTED] C [REDACTED]'s submission in her answer;
 - (b) failed to attribute the verbatim and nearly verbatim excerpts from Y [REDACTED] C [REDACTED]'s submission or to indicate in any way that her submission was based on the Y [REDACTED] C [REDACTED]'s submission;

- (c) represented the ideas and work of Y [REDACTED] C [REDACTED] as her own;
- (d) did no meaningful academic work on the work that she submitted;
- (e) committed plagiarism contrary to section B.I.1(d) of the *Code*;
- (f) received unauthorized assistance ^{SC} from the Original Discussion Threads; and
- (g) engaged in a form or cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.I.1(b) of the *Code*.

C. *The meeting with the Dean's Designate*

- 20. On March 22, 2013, Ms. C [REDACTED] met with Prof. Scott Graham Dean's designate for academic integrity at the University of Toronto Mississauga. Ms. C [REDACTED] admits that Prof. Graham provided the warning that was required to be given to her under the *Code*.
- 21. During that meeting, Ms. C [REDACTED] admitted that she committed the academic offences described above. A copy of the admission of guilt forms signed by Ms. C [REDACTED] March 22, 2013, are included in the JBD at Tab 11.

D. *Acknowledgments*

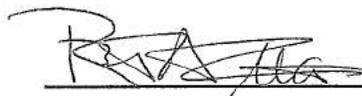
- 22. Ms. C [REDACTED] acknowledges that:
 - (a) the Provost has advised Ms. C [REDACTED] of her right to obtain legal counsel and that Ms. C [REDACTED] has obtained legal advice or has deliberately waived her right to do so; and

- (b) she is signing this ASF freely and voluntarily, knowing of the potential consequences she faces; and
- (c) that the Provost has made no representations to Ms. C [REDACTED] regarding what penalty the Provost may ask the Tribunal to impose in the circumstances of this case.

Signed on September 11, 2013

[REDACTED]
[REDACTED]

Signed on September 11, 2013



Robert A. Centa
Assistant Discipline Counsel
University of Toronto

APPENDIX B

Joint Submission on Penalty

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on September 5, 2013,

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.

NO. 4

BETWEEN:

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO UNIVERSITY OF TORONTO

AND

- and -

[REDACTED]

This Exhibit is produced by

University

G. C. [REDACTED]

the

this 4 day of October, 2013.

Sinead [REDACTED]

JOINT SUBMISSION ON PENALTY

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 the penalty phase of this hearing, the Provost and G. C. [REDACTED] ("Ms. C. [REDACTED]") have prepared this Joint Submission on Penalty ("JSP") and have attached a document to this JSP. The Provost and Ms. C. [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.

2. Ms. C ■ admits that she has been sanctioned for academic misconduct on one prior occasion.
3. In academic year 2010-2011, she enrolled in LIN 100, which was taught by Prof. Michelle Troberg. Ms. C ■ admitted that she received unauthorized assistance on homework assignments (HW13, 14, and 15) that she submitted for academic credit on February 8, 2011. Prof. Michael Lettieri, Chair, Department of Language Studies, imposed a grade of zero on each of the assignments in question. The parties have attached a copy of the decision letter from Prof. Lettieri, dated April 5, 2011, to this JSP at Tab 1.
4. The Provost and Ms C ■ submit to the Tribunal that the appropriate penalty in all the circumstances of this case is that:
 - a. a final grade of zero be assigned for each of:
 - i. LIN 228; and
 - ii. CSC 108;
 - b. Ms C ■ be immediately suspended from the University from the date of the Tribunal's order until August 30, 2016;
 - c. a corresponding notation be placed on her academic record and transcript for 3 years.
5. The Provost and Ms. C ■ submit that the Tribunal should report this case to the Provost who may publish a notice of the decision of the Tribunal and the sanctions imposed, with the student's name withheld.

6. Ms. C [REDACTED] acknowledges that the Provost has advised her to obtain independent legal advice before signing this Joint Submission on Penalty and that she has either done so or deliberately waived her right to do so.

Signed in Toronto on September 13, 2013.

[REDACTED]

C [REDACTED]

Signed in Toronto on September 13, 2013.



Robert A. Centa
Assistant Discipline Counsel
University of Toronto