

**THE UNIVERSITY TRIBUNAL OF THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on December 20, 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 -**

**V [REDACTED] P [REDACTED]**

**REASONS FOR DECISION**

**Date of Hearing:** August 13, 2013

**Tribunal Members:**

Mr. Clifford Lax, Barrister and Solicitor, Chair

Professor Pascal van Lieshout, Department of Speech-Language Pathology, Faculty Panel Member

Ms. Stoney Baker, Student Panel Member

**Appearances:**

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Barristers

Ms. Julia Wilkes, Counsel for the Student, Wardle Daley Bernstein LLP

**In Attendance:**

Ms. V [REDACTED] P [REDACTED], the Student

Professor Brian Corman, Dean, School of Graduate Studies, and Vice-Provost, Graduate Education, University of Toronto

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

**Charges and Hearing:**

1. The Trial Division of the Tribunal held this hearing on August 13, 2013 to consider the following charges brought by The University of Toronto against V [REDACTED] P [REDACTED] (the Student) under the *Code of Behaviour on Academic Matters*, 1995 (the Code):
  - 1) that in the month of June, 2012, the Student knowingly submitted, without the knowledge and approval of the instructor to whom it was submitted, academic work in NUR1102H – Advanced Health Assessment and Clinical Reasoning: Pediatric (2012 Course) for which credit had previously been obtained in another course in the University or elsewhere, contrary to Section B.I.1(e) of the Code;
  - 2) that in or about June, 2012, the Student knowingly represented as her own an idea or expression of an idea or work of another person and the assignment submitted in the 2012 Course, contrary to section B.I.1(d) of the Code; and,
  - 3) in the alternative, in June, 2012, the Student 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 or any kind in connection with an assignment

the Student submitted for academic credit in the 2012 Course, contrary to Section B.I.3(b) of the Code.

2. The Student was represented by legal counsel and pleaded guilty to charges 1) and 2). By acceptance of the guilty plea to charges 1) and 2), charge 3) was withdrawn by the University.

### **Agreed Statement of Facts & Finding on Charges**

3. The Tribunal was advised that the University and the Student had entered into an Agreed Statement of Facts, which Agreed Statement of Facts is attached as Appendix A to this Decision.
4. As described in the Agreed Statement of Facts, in Summer 2012 term, the Student submitted a written assignment entitled "Group 2 – Treatment Plan" (the Assignment) to fulfill the Course requirement for NUR1102H, which Assignment was virtually identical to an assignment that had been submitted by the Student in the same Course one year earlier (2011), as part of a group submission. While the Student had received a failing grade for the 2011 course, she attempted the Course again in the summer of 2012, and submitted a virtually identical assignment, to the one submitted the prior year.
5. The course syllabus for NUR1102H specifically stated "a learner should be aware that assignments must be unique and cannot be a resubmission of work previously submitted for grading in any course". Therefore, the charges relating to the

resubmission in 2012 of what had been previously submitted in 2011, were the consequence of a direct violation of this specific prohibition.

6. What is more troubling is that the resubmission in 2012 followed a decanal meeting on August 4, 2011 with respect to allegations of academic impropriety in 2011 involving the Student's assignments for course NUR1034H as well as for course NUR1102H. At that meeting, the Student admitted that she had committed the offences of plagiarism, concoction of facts and other acts of dishonesty.

As a result, the Student was given a failing grade in courses NUR 1034H and NUR1102H, and an annotation indicating academic misconduct was placed on her academic record for the period August, 2011 to August, 2012.

Finally, the Student was specifically warned that another offence would be treated much more severely.

7. The current charges before this Tribunal result from the repetition of similar academic offences. These offences occurred while the annotation regarding the decanal findings of academic misconduct was still on her academic record. Clearly, the Student disregarded the decanal warning that any further offence would be treated more severely.
8. Without attempting to justify her conduct, the Student partially explained her bizarre resubmission, as a result of a major depressive order accompanied by panic attacks, which was diagnosed in the fall of 2011. As a result of this condition, she took a ten week medical leave of absence from her job as a nurse. Further,

the Student chose not to enroll in classes in the fall of 2011 or winter of 2012 terms. She returned to class in the summer of 2012 and enrolled again in NUR1102H, hoping to successfully pass the Course for which she had previously been given a failing grade.

9. After reviewing the Agreed Statement of Facts and the Joint Book of Documents, the Tribunal concluded that the facts fully established that charges 1) and 2) were proven and therefore accepted the guilty pleas tendered by the Student to those charges. Given the findings of guilt for charges 1) and 2), the University withdrew charge 3).

### **Penalty**

10. The parties submitted a Joint Submission on Sanction. The Joint Submission proposed that:
  - the Student be given a final grade of FZ (a failing grade) for NUR1102H in the Summer 2012 term;
  - be suspended from the University for a period of four years from April 1, 2013 until March 31, 2017;
  - a notation be placed in her academic record and transcript for a period of five years from the date of the Order; and,
  - the case be reported to the Provost for publication of a notice of the Decision of the Tribunal and the sanction imposed with the name of the Student withheld.

11. The Tribunal recognizes that the Student admitted committing the offences at an early stage in this process and subsequently co-operated with the University, including entering into the Agreed Statement of Facts, by pleading guilty and by agreeing to a Joint Submission on Sanctions.
12. Nonetheless, it is troubling that the Student would engage in precisely the same conduct which had resulted in decanal sanctions the prior year. While the Student's depression and anxiety episodes are relevant to the appropriate sanction, her medical condition neither excuses nor justifies her unacceptable conduct.
13. Where the parties have agreed to a Joint Submission on Sanction, the Tribunal while not bound by such an agreement, should accept the Joint Submission, unless to do so would bring the administration of justice into disrepute. In this case, the sanctions agreed to by the parties adequately reflect the serious nature of the offences. The proposed penalties are reasonable in light of all of the evidence and reflect the range of sanctions imposed in other decisions relied upon by counsel for the University.

### **Decision of the Tribunal**

14. The Tribunal ordered as follows:
  1. The Student is found guilty of having submitted work for which credit had previously been sought in another course as well as for plagiarism, contrary

to sections B.I.1(e) and B.I.1(d) of the *Code of Behaviour on Academic Matters*;

2. the Student shall:
  - a. receive a final grade of FZ for NUR1102H in the Summer 2012 term;
  - b. be suspended from the University for a period of four years from April 1, 2013 to March 31, 2017; and,
  - c. a notation shall be placed on the Student's academic record and transcript for a period of five years from the date of the Order.
  
3. this case be reported to the Provost, with the Student's name withheld, for publication of a notice of the Decision of the Tribunal and the sanction imposed.

All of which is ordered as of August 13, 2013.

Dated at Toronto, this 21<sup>st</sup> day of August, 2013.

  
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Clifford Lax, Q.C., Chair

## Appendix A



THE UNIVERSITY TRIBUNAL OF THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on December 20, 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 am. S.O. 1978, c. 88*

BETWEEN:

THE UNIVERSITY OF TORONTO

- AND -

V [REDACTED] P [REDACTED] ([REDACTED])

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 purposes of this hearing, the Provost and V [REDACTED] P [REDACTED] ("Ms. P [REDACTED]") have prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The Provost and Ms. P [REDACTED] agree that:

(a) each document contained in the JBD may be admitted into evidence before 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 in the JBD indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

NO 2

THE UNIVERSITY TRIBUNAL  
UNIVERSITY OF TORONTO

AND

[REDACTED]

This Exhibit is produced by

the University

this 13<sup>th</sup> day of Aug, 2013

[Signature]

**A. Notice of hearing, charges and guilty plea**

2. Ms. P [REDACTED] admits that she received a notice of hearing for August 13, 2013, and that she received reasonable notice of the hearing. The notice of hearing is included in the JBD at Tab 1.

3. Ms. P [REDACTED] admits that she received a copy of charges filed by the Provost dated December 20, 2012, found in the JBD at Tab 2 ("Charges"). Ms. P [REDACTED] waives the reading of the charges filed against her, and hereby pleads guilty to charges #1 and #2 of the Charges.

4. If the Tribunal accepts Ms. P [REDACTED]'s guilty plea on charges #1 and #2 of the December 20, 2012 charges the Provost agrees to withdraw charge #3 of the Charges.

5. At all material times, Ms. P [REDACTED] was a registered student in the School of Graduate Studies in a Master of Nursing Program at the University of Toronto. A true copy of her academic record, dated December 14, 2012, is found in the JBD at Tab 3.

6. In the Summer 2012 term Ms. P [REDACTED] enrolled in NUR1102H: Advanced Health Assessment and Clinical Reasoning: Paediatric ("Course"). The Course was a credit/no credit course. The online course included a 20% participation grade determined based on active discussion board posting, timely completion of online course modules, and completion of three non-graded assignments including a clinical learning plan. A copy of the Course syllabus for NUR1102H is included in the JBD at Tab 4.

7. The Course syllabus contained the following additional information:

- (a) at page 13 students were reminded that "Learners should be aware that assignments must be unique and cannot be a resubmission of work previously submitted for grading in any course";

- (b) assignments were required to be submitted to turnitin.com, as well as in hard copy; and
- (c) attached as Appendix C (at page 20) was a summary of academic offences under the Code, including sections B.I.1(d) regarding plagiarism and B.I.1(e) which states that it shall be an offence for a student knowingly to submit, without the knowledge and approval of the instructor to whom it is submitted, any academic work for which credit has previously been obtained or is being sought in another course ...

8. In the spring of 2012, Ms. P [REDACTED] submitted an assignment entitled Group 2 – Treatment Plan, to fulfil the Course requirement to submit a clinical learning plan (“Assignment”). A copy of the Assignment is included in the JBD at Tab 5.

9. The Assignment was virtually identical to an assignment that had been submitted by Ms. P [REDACTED] in the same course one year earlier as part of a group submission in the 2011 Summer term. That group submission was written not only by Ms. P [REDACTED] but by other members of her group. A copy of that earlier group submission entitled “Mia’s Therapeutic Plan” is included in the JBD at Tab 6 (“2011 Assignment”). A copy of illustrated documents comparing the Assignment with the 2011 Assignment is included in the JBD at Tab 7.

10. Ms. P [REDACTED] had enrolled in NUR1102H in Summer 2011, and had submitted the 2011 Assignment for credit during that term. She ultimately received a grade of FZ for the 2011 course, and so took it again in Summer 2012.

11. Ms. P [REDACTED] attended a meeting with the Dean’s Designate pursuant to section C.I.(a)5 of the Code on October 9, 2012, to discuss allegations that she had submitted the same work for credit in 2012 that she had submitted for credit in 2011, and that the

resubmitted work contained plagiarized passages from external literature sources that had not been given attribution.

12. Ms. P [REDACTED] admitted to having resubmitted work which she had previously submitted for credit. Ms. P [REDACTED] explained that she believed that because she had not received a course credit in 2011, she was permitted to submit the 2011 assignment again for grading in 2012. After the plagiarism allegation was made, Ms. P [REDACTED] determined that the portion of the assignment which contained the plagiarized material had been written by another member of her group in the 2011 course, and that she was unaware of the plagiarism.

13. Ms. P [REDACTED] now admits that the submission of her former group member's work as her own in the Course in 2012, without attribution, constitutes plagiarism.

14. Ms. P [REDACTED] admits that in submitting the Assignment in NUR1102H in Summer 2012 she knowingly submitted:

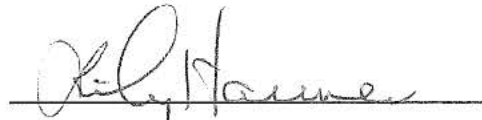
- (a) academic work for which credit had previously been obtained in another course in the University, without the knowledge and approval of the instructor to whom it was submitted, contrary to section B.I.1(e) of the Code; and
- (b) work in which she represented as her own an idea or expression of an idea or work of another, contrary to section B.I.1(d) of the Code.

15. Ms. P [REDACTED] acknowledges that she is signing this ASF freely and voluntarily, knowing of the potential consequences she faces, and does so having obtained the advice of legal counsel.

Signed on August 13, 2013.

[REDACTED]  
\_\_\_\_\_  
V [REDACTED] P [REDACTED]

Signed on August 13, 2013.

A handwritten signature in cursive script, appearing to read "Lily Harmer", is written over a solid horizontal line.

Lily Harmer  
Assistant Discipline Counsel

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