

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION**

IN THE MATTER OF charges of academic dishonesty filed on November 13, 2014;

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 -

B [REDACTED] L [REDACTED]

REASONS FOR DECISION

Hearing Date: February 20, 2015

Members of the Panel:

Mr. Andrew Pinto, Lawyer, Chair

Professor Louis Florence, Department of Management, Faculty Panel Member

Ms. Yusra Qazi, Student Panel Member

Appearances:

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

Professor Wayne Dowler, Dean's Designate, University of Toronto Scarborough

Dr. André Sorensen, Instructor: GGRA03H3F: Cities and Environments,
University of Toronto Scarborough

In Attendance:

Ms. Sinéad Cutt, Administrative Assistant, Office of Appeals, Discipline and
Faculty Grievances

Preliminary

- [1] The Trial Division of the University Tribunal was convened on February 20, 2015 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the “Code”) laid against the Student by letter dated November 13, 2014 from Professor Sioban Nelson, Interim Vice-Provost, Faculty and Academic Life.
- [2] The Student did not attend the hearing; nor did a representative acting on the Student’s behalf. The Tribunal waited several minutes after the official start time of the hearing in case the Student and/or his representative arrived late, but no one appeared. The Tribunal questioned Discipline Counsel concerning the University’s efforts to bring the charges and the hearing to the Student’s attention. The University provided two Affidavits of Service which confirmed that the Student had been initially served by email on November 13, 2014 with the charges; and then served by email on January 16, 2015 with the Notice of Hearing which appended the charges, as well as relevant supplementary documentation. Discipline Counsel advised that, earlier in the week, she had spoken personally with the Student who indicated that he did not plan on attending the hearing.
- [3] The Tribunal reviewed Part 3 of the Tribunal’s *Rules of Practice and Procedure* concerning Service of Documents, in particular, Rule 9(c) which permits service of charges and other material by email to the student’s e-mail address contained in ROSI. The Tribunal was satisfied that the Student had been properly notified and determined that it would be appropriate for the hearing to proceed in the Student’s absence.

Hearing on the Facts

- [4] The charges against the Student were as follows:
 - 1. On or about March 25, 2014, you knowingly represented the ideas of another, or the expressions of the ideas of another as your own work in Assignment 2 (the “Essay”) that you submitted in partial completion of the course requirements in GGRA03H3F (the “Course”), contrary to section B.I.1(d) of the Code.
 - 2. In the alternative, on or about March 25, 2014, by submitting the Essay, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code to obtain academic credit or other academic advantage of any kind, contrary to section B.I.3(b) of the Code.

- [5] The University indicated that if the Student was convicted with respect to the first charge, the second charge would be withdrawn.
- [6] Discipline Counsel alleged that the Student had committed academic misconduct by using the work of another author without attribution in an essay submitted in partial completion of the course requirements in GGRA03H3F (Geography: Cities and Environments).
- [7] Two witnesses provided evidence on behalf of the University: Dr. André Sorensen, the Instructor of the Course and Professor Dowler, the Dean's Designate.
- [8] Dr. Sorenson testified that the concern about the Student's alleged academic misconduct arose with respect to the second assignment in the course which was a major essay, worth 20% of the overall grade. When the Student submitted his essay, it was analyzed using *turnitin* software which compares submitted work with millions of other documents and sources in an academic database. The software analysis revealed a substantial similarity between parts of the Student's essay and previously published work. Significant sections of the Student's essay were identical to the work of other authors whose work was not cited. Additionally, the Student cited articles in this bibliography but did not place any corresponding quotation marks around text in his essay. Had the professor or the software analysis not picked up on the similarities, the Student would have succeeded in passing off the work of other authors as his own and received credit for such work.
- [9] Dr. Sorenson also testified that he strongly admonished his students against engaging in any form of plagiarism and specifically discussed academic integrity issues in the first two lectures of the Course as well as in tutorials.
- [10] The University, through Dr. Sorenson, produced email correspondence between Dr. Sorenson and the Student where, upon being notified of the plagiarism concern and being invited to attend a meeting, the Student's tone with the professor became accusatory, demeaning and personal. The Student accused the professor of harassment and ultimately refused to meet with the professor.
- [11] Professor Wayne Dowler, the Dean's Designate, was the University's second witness. He noted that the student had some transfer credits from another university and another community college. He concluded that the Student had some experience dealing with other academic institutions. Once again, despite the University's attempts, the Student refused to meet with Professor Dowler or his designate.

- [12] Discipline Counsel submitted that the Student had been given ample opportunity to explain his conduct but did not offer any explanation. The extensive nature of the material cited without attribution suggested that the impugned text could not have been placed accidentally by the Student. Overall, the Student's conduct represented a clear cut case of plagiarism and the Student showed a strong resistance to providing an explanation, let alone any mitigating circumstances for his misconduct.

Decision of the Tribunal on Charges

- [13] Following deliberation, based on the evidence presented by the two witnesses, the available documentation and submissions of Discipline Counsel, the Tribunal concluded that the Student was guilty and the Student stood convicted on charge 1. Accordingly, the second charge against the Student was withdrawn.

Penalty

- [14] The matter then continued with a hearing into the appropriate sanction.
- [15] The Student did not have any prior discipline history. The University sought a penalty that included:
- a) a mark of zero in the course;
 - b) a suspension of two years from the University;
 - c) a notation of academic misconduct on the Student's transcript for 3 years; and
 - d) publication of the Student's misconduct on an anonymized basis.
- [16] The panel reviewed a number of Tribunal decisions presented by the University. In the B.S. penalty decision (Case No. 697; August 8, 2013), the Tribunal noted that "many students who are convicted of a first offence of plagiarism receive a suspension of two years." The Tribunal went on, however, to impose a 3 year suspension on the student who had committed plagiarism, with no prior offence, where the Student attended the hearing and attempted to deny the plagiarism. The Tribunal also ordered that the notation of misconduct on the Student's transcript remain for three and a half years, or until the student graduated, whichever occurred first.
- [17] In the J. C. decision (Case No. 741; March 20, 2014), the Student did not participate in the hearing regarding plagiarism charges, and received a two year suspension and a notation on his transcript until graduation. In the R. M. decision (Case No. 659; February 6, 2012), the matter

proceeded via an Agreed Statement of Facts and a Joint Submission on Penalty. The charges concerned the student's plagiarism with respect to an essay that was worth 15% of the final grade in the course. The Tribunal imposed a two year suspension and an accompanying notification of misconduct on the student's transcript for the same two-year period.

- [18] The Tribunal deliberated and concluded that the University's requested sanction was appropriate but that the period for noting the misconduct on the Student's transcript should be extended until the Student's graduation.
- [19] The Tribunal reasoned that the Student had engaged in a deliberate case of plagiarism. The Student was not a new post-secondary student and the importance of academic integrity had clearly been brought to the Student's attention. Significant portions of the Student's essay were lifted from other sources and included without attribution. This was the Student's first offence and it occurred in respect of an assignment that was worth 20% of his course grade. The Student had not only failed to cooperate with the University - by refusing to meet with his professor and the Dean's Designate and not attending the hearing - but the Student had also unhelpfully taken an aggressive personal tone in email communications with his professor and accused him of harassment. There was no evidence of the Student's remorse or other mitigating circumstances.
- [20] In light of the facts of this case, the Tribunal imposes the following sanction:
- a. The Student shall receive a final grade of zero (0) in the course GGRA03H3F: Cities and Environments;
 - b. The Student shall be suspended from the University of Toronto from the date of this order until February 19, 2017;
 - c. A notation shall be placed on the Student's academic record and transcript from the date of this order until graduation; and,
 - d. That 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.

Dated at Toronto, this 31st day, August, 2015



Andrew Pinto, Co-Chair