

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO
TRIAL DIVISION

IN THE MATTER OF charges of academic dishonesty made on October 21, 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 am.

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

F [REDACTED] H [REDACTED]

REASONS FOR DECISION

Hearing Date: February 5, 2015

Members of the Panel:

Mr. William C. McDowell, Lawyer, Chair
Professor Richard B. Day, Faculty Panel Member
Ms. Lu Zhao, Student Panel Member

Appearances:

Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers
Ms. Julia Wilkes, Counsel for the Student, Wardle Daley Bernstein Bieber LLP

In Attendance:

Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances
F [REDACTED] H [REDACTED], the Student via Skype

1. F■■■■■■■■■■ H■■ has entered plea of guilty to one charge of plagiarism and a second charge of forgery. The specific charges to which a plea was entered are the following:

1. On or about, December 2, 2013, you knowingly represented the ideas of another, or the expressions of the ideas of another as your own work in an essay titled "A Discourse Analysis of Turks-Germans in Germany from 1970 –present" (the "Essay") that you submitted in partial completion of the course requirements in DTS201H5F (the "Course"), contrary to section B.I.1(d) of the Code.

3. On or about October 10, 2013, you knowingly forged or in any other way altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of any such forged, altered or falsified document, namely, a University of Toronto Verification of Student Illness or Injury, dated October 10, 2013 ("Certificate"), which you submitted in support of your request for academic accommodations in the Course, contrary to Section B.I.1(a) of the Code.

2. In the fall of 2013, Ms. H■■ enrolled in DTS201H5F – Introduction to Diaspora and Transnational Studies ("the Course"). The instructor was Professor Hui Kian Kwee.

3. On October 9, 2013, Professor Kwee assigned a surprise in-class quiz which was worth 10% of the final grade. The syllabus provided that there would be no make-up quiz unless a student provided a proper medical document in accordance with the Rules of the University. Ms. H■■ had not attended the class on October 9th, but on October 10th, she was examined by Dr. Joe Tran of the South Common Medical Centre in Mississauga. Dr. Tran signed a verification of Student Illness or Injury form which indicated that Ms. H■■ was significantly impaired in her ability to fulfill academic obligations between October 9th and 12th, 2013.

4. Another midterm test in the course was scheduled for October 23, 2013. Again, Ms. H■■ was absent and failed to write the midterm test, which was worth 25% of the final grade in the course. Ms. H■■ then attended on October 22, 2013 the Bay College Medical and Lockwood Diagnostics in Toronto where she was examined by Dr. C. Lei. Dr. Lei signed the requisite medical form which indicated that Ms. H■■ was impaired in her ability to perform academic obligations between October 21st and 25th.

5. Ms. H■■ subsequently approached Professor Kwee and asked him for permission to be excused from the midterm test. Ms. H■■ provided Professor Kwee with the Verification of Student Illness or Injury form which was dated October 10, 2013. The altered form purported to explain that the student had an anticipated end date for her illness of October 25, 2013. (It will be recalled that the genuine form executed by Dr. Tran projected an end date for the illness of October 12, 2013.) As well, she added text under the heading "Additional Comments" on the certificate which was not written by the doctor who signed the form.

6. Ms. H■■ conceded before us that she knew the altered form was falsified, that she intended that the University rely on it in considering whether or not to provide her with academic accommodations, and that she did so in an attempt to obtain an academic advantage. As well, Ms. H■■ accepted that she knew at all material times that the University required evidence to be presented in order to obtain the academic accommodation she sought.

Plagiarism

7. The plagiarism charge also relates to the Course. The Course included a research essay due on December 2, 2013 which was worth 30% of the final grade.

8. The syllabus contained an express warning against plagiarism beginning, "Plagiarism – DO NOT DO IT! – if you do not know what plagiarism is, read the following and consult the website: <http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize>".

9. On December 2, 2013, Ms. H■■ submitted a paper entitled "A Discourse Analysis of Turks and Germans in Germany from 1970-present" ("the Essay"). It was a requirement of the course that research essays would be submitted to turnitin.com. We reviewed the analysis of the essay generated by website.

10. The turnitin.com analysis disclosed a 58% similarity between Ms. H■■'s paper and two essays ("the Sources"):

(a) Claus Mueller, "Integrating Turkish communities: a German dilemma", *Popul Res Policy Rev* (2006) 25:419 – 441; and

(b) Gazme Avci, "Comparing Integration Policies and Outcomes: Turks in the Netherlands and Germany", *Turkish Studies*, Volume 7, No. 1, 67-84 (March 2006).

11. While Ms. H■■ sometimes used quotation marks to delineate passages taken verbatim or nearly verbatim from the sources she accurately identified in the essay, she

also appropriated other verbatim or nearly verbatim text, which she used without quotation marks or any other appropriate citation.

12. Ms. H■■ admitted the mechanical aspects of the plagiarism. She accepted that she had represented the ideas and work found in the sources as her own, and had committed plagiarism contrary to section B.I.1(d) of the Code. It follows that she admitted having 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(d) of the Code.

Penalty

13. Ms. H■■ had a prior offence of plagiarism in the summer of 2013 in the course CCT110H5S – The Rhetoric of Digital and Interactive Media Environments (CCT110) which was taught by Professor Michael Dick. She submitted an essay in that course which was worth 30% of the final grade. On November 20, 2013, Ms. H■■ admitted having committed plagiarism in the essay. This matter was dealt with by the Dean, who imposed a mark of zero, a grade reduction and an annotation on her academic record and transcripts from November 20, 2013 until August 20, 2014.

14. At the time of the hearing before us, Ms. H■■ was serving a one-year academic suspension for poor academic performance.

15. We heard evidence that the student had suffered from depression for some time. She had received medical counselling with respect to a precipitous loss of weight. Ms. H■■ had cooperated with the investigation into these matters.

16. Ms. H■■ is an only child. Her parents are separated. In the spring of 2013, Ms. H■■ learned that her parents were getting divorced. Regrettably, she was drawn into their conflict. She sought psychiatric counselling for severe anxiety and depression in April 2013. There is no question that for much of 2013 Ms. H■■'s medical condition significantly affected her ability to succeed in academic study, although she may not have recognized this at the time.


17. Before us, it was agreed that Ms. H■■ should receive the following sanctions:

- (a) a final grade of zero in the course DTS201H5F;
- (b) a suspension from the University from the day the Tribunal makes its order until August 30, 2018; and
- (c) a notation of the sanction on her academic record and transcript until the date she graduates from the University.

18. These proposed sentences are within the range of those handed down by the Tribunal in recent cases, and we accepted the joint submission.

19. The parties additionally agreed that the case should be reported to the Provost for publication of the notice of decision of the Tribunal and the sanction imposed in the University newspapers, with the name of the student withheld.

DATED at Toronto, this 4th day of September, 2015.



William C. McDowell, Co-Chair