

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

IN THE MATTER of the *University of Toronto Act, 1971*, S.O. 1971, c. 56, as amended;

AND IN THE MATTER of the *University of Toronto Code of Behaviour on Academic Matters, 1995*;

AND IN THE MATTER of disciplinary charges against the Student.

Members of the Panel:

Mr. Michael Hines, Co-Chair
Professor Stephane Mechoulan, Faculty
Ms. Candace Ikeda-Douglas, Student

Appearances

Mr. Stephen Frankel - for the Student
Ms. Lily Harmer - for the University

In attendance

Professor Scott Graham – Dean's Designate
The Student

1. The Trial Division of the University Tribunal was convened on August 13, 2007 to consider charges brought under the *Code of Behaviour on Academic Matters, 1995*, laid against the Student by letters dated March 7, 2007, May 31, 2007 and June 19, 2007 from the Vice-Provost, Academic, Professor Edith Hillan.
2. The letter of March 7, 2007 contained the following charges:

CCT 206H5S

- (1) On or about March 30, 2006, you knowingly represented as your own an idea or expression of an idea or work of another in connection with your final Group Project, submitted for academic credit in CCT 206H5S, contrary to Section B.I.1.(d) of the *Code*.
- (2) In the alternative, on or about March 30, 2006, 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 your final Group Project, submitted for academic credit in CCT 206H5S, contrary to Section B.I.3.(b) of the *Code*.

CCT 204H5S

- (3) On or about April 12, 2006, you knowingly represented as your own an idea or expression of an idea or work of another in connection with your paper entitled "Redesign of Nail Polish Remover Bottle" submitted for academic credit in CCT 204H5S, contrary to Section B.I.1.(d) of the *Code*.
- (4) In the alternative, on or about April 12, 2006, 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 your paper entitled "Redesign of Nail Polish Remover Bottle" submitted for academic credit in CCT 204H5S, contrary to Section B.I.3.(b) of the *Code*.

VCC 304H5S

- (5) On or about July 27, 2006, you knowingly represented as your own an idea or expression of an idea or work of another in connection with your paper entitled "Hysterectomy and Female Gender Identity" submitted for academic credit in VCC 304H5S, contrary to Section B.I.1.(d) of the *Code*.
 - (6) In the alternative, on or about July 27, 2006, 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 your paper entitled "Hysterectomy and Female Gender Identity" submitted for academic credit in VCC 304H5S, contrary to Section B.I.3.(b) of the *Code*.
3. The letter of May 31, 2007 contained the following charges:

VCC 390H5F

- (1) On or about November 3, 2006, you knowingly represented as your own an idea or expression of an idea or work of another in connection with your paper, "Shooting to play or kill?", submitted for academic credit in VCC 390H5F, contrary to Section B.I.1.(d) of the *Code*.
- (2) On or about November 3, 2006, you knowingly submitted your paper containing a purported statement of fact or reference to a source which

has been concocted in connection with your paper, "Shooting to play or kill?", submitted for academic credit in VCC 390H5F, contrary to Section B.1.1(f) of the Code.

- (3) In the alternative, on or about November 3, 2006, 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 your paper, "Shooting to play or kill?", submitted for academic credit in VCC 390H5F, contrary to Section B.I.3.(b) of the *Code*.
4. The letter of June 19, 2007 contained the following charges:
- (1) On or about March 2, 2007, you knowingly represented as your own an idea or expression of an idea or work of another in connection with your essay proposal and annotated bibliography submitted for academic credit in FAH391H5S, contrary to Section B.I.1(d) of the *Code*.
 - (2) In the alternative, on or about March 2, 2007, 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 your essay proposal and annotated bibliography submitted for academic credit in FAH391H5S, contrary to Section B.I.3(b) *Code*.
5. The Student pled guilty to:
- (a) charge #1, #3 and #5 of the Charges filed by the University on March 7, 2007;
 - (b) charge #1 and #2 of the Charges filed by the University on May 31, 2007; and
 - (c) charge #1 of the Charges filed by the University on June 19, 2007.
6. The remaining charges were withdrawn. The hearing proceeded entirely on the basis of agreed facts which are set out below.

I. Background

7. The University of Toronto (the "University") admitted the Student to its Honours Bachelor of Arts and Science program at the Scarborough campus in the Fall of 2002. In 2004, the Student continued his studies at the University's Mississauga campus. At the end of the 2007 Winter Term the Student had earned 14 credits.
8. At the relevant times, the Student was enrolled as follows:
 - (a) In the Winter Term of 2006, he was enrolled in four half courses, including CCT206H5 (Law, Technology and Culture) and CCT204H5 (Design Thinking).
 - (b) In the Summer Term of 2006, he was enrolled in four half courses, including VCC304H5 (Visual Culture and the Construction of Identity).
 - (c) In the Fall Term of 2006, he was enrolled in four half courses, including VCC390H5 (Topics in Visual Culture and Communication).
 - (d) In the Winter Term of 2007, he was enrolled in five half courses, including FAH391H5 (History of Photography).
- a) Law, Technology and Culture**
9. In the Winter of 2006, the Student enrolled in CCT206H5 – Law Technology and Culture – a second year course offered by the Department of Communication, Culture and Information Technology at Mississauga. Professor Anthony Wensley taught the course.
10. Law, Technology and Culture examined digital artifacts in terms of both their creation and management and how they can be distinguished from their traditional physical counterparts. A detailed course outline was provided to students which included a warning that "copying, plagiarizing, or other forms of academic misconduct will not be tolerated. Any student caught engaging in such activities will be subject to academic discipline ranging from a mark of zero in the assignment ... to dismissal from the University as outlined in the academic handbook".
11. The course requirements consisted of two papers and an examination, as well as a group project worth 20% of the final mark in Law, Technology and Culture ("Group Project").
12. The Student and three other classmates were responsible for submitting the Group Project in partial fulfillment of the course requirements. Prior to the March 30, 2006 due date, the Student provided another member of his group with his segment of the Group Project. The Student's segment was then assimilated with

those that had been written by the other group members and the Group Project was submitted to the instructor by a member of the group.

13. In keeping with the course requirement that students submit their projects to Turnitin.com ("Turnitin"), an electronic copy of the Group Project was transmitted to Turnitin by a member of the group. The Turnitin Originality Report revealed a 33% match between the Group Project and a paper that had been submitted by another student the previous year. Further analysis of the Originality Report revealed that the suspect segments of the Group Project were those that the Student had purportedly written.
14. The Student did not write his segment of the Group Project. Instead, he copied it virtually in its entirety from an assignment that had been written and submitted by another student who had been registered in Law, Technology and Culture the previous year.
15. The Student admits that he did no meaningful academic work in respect of the Group Project. He further admits that he knew that he was expected to provide original work that did not contain plagiarism. Specifically, the Student admits that in or about March 2006, he knowingly represented as his own, an idea, an expression of an idea, and the work of another in the Group Project which he submitted to fulfill the course requirements of Law, Technology and Culture, contrary to s. B.I.1(d) of the *Code*.

b) Design Thinking

16. In the Winter Term of 2006, the Student enrolled in CCT204H5 – Design Thinking – a second year course offered by the Department of Communication, Culture and Information Technology at Mississauga. Professor Ann Szeto taught Design Thinking.
17. Design Thinking focused on the design process in the communication of information, with an emphasis on critical thinking and problem solving. Students were provided with a detailed course outline, which included a section entitled "Plagiarism" stating that "students are expected to be informed about plagiarism" and the Code, and which listed various academic offences including plagiarism.
18. The course requirements comprised a number of assignments and tests, including a research essay worth 25% of the final grade in Design Thinking.
19. On or about April 12, 2006, the Student submitted a research essay entitled "*Redesign of Nail Polish Remover Bottle*" to fulfill this requirement.
20. The Student did not write *Redesign of Nail Polish Remover Bottle*. Instead, he copied it from an assignment that had been written and submitted by another student who had taken the course the previous year.

21. The Student admits that he did no meaningful academic work on *Redesign of Nail Polish Remover Bottle*. Specifically, the Student admits that on or about April 12, 2006, he knowingly represented as his own, an idea, an expression of an idea, and the work of another in *Redesign of Nail Polish Remover Bottle*, which he submitted to fulfill the course requirements of Design Thinking, contrary to s. B.I.1(d) of the Code.

c) Visual Culture and the Construction of Identity

22. In the summer of 2006, the Student enrolled in VCC304H5 – Visual Culture and the Construction of Identity – a third year course offered by the Department of Communication, Culture and Information Technology at Mississauga. Professor Joseph Ferenbok taught Visual Culture.
23. Visual Culture examined identity in the context of visual culture's impact on its creation, projection and maintenance. The course outline contained a section entitled "Academic Offences" which clearly stated that "all assignments must conform to the rules regarding plagiarism" and academic regulations, and that: "Further information regarding referencing and essay writing is available on WebCT. You are also encouraged to take advantage of the resources of the Academic Skills Centre if you require help."
24. The course requirements consisted of two projects, marks for participation and attendance, and an essay worth 35% of the final grade in Visual Culture.
25. On or about July 27, 2006, the Student submitted a paper entitled "*Hysterectomy and Female Gender Identity*".
26. The Student did not write significant portions of *Hysterectomy and Female Gender Identity*. Instead, he copied significant portions of it from published works (i.e. a book and a journal article) that he did not reference or otherwise acknowledge.
27. The Student admits that on or about July 27, 2006, he knowingly represented as his own, an idea, an expression of an idea, and the work of another in *Hysterectomy and Female Gender Identity*, which he submitted to fulfill the course requirements of Visual Culture, contrary to s. B.I.1(d) of the Code.

d) First Dean's Meeting – November 10, 2006

28. On November 10, 2006 in 3 sequential meetings the Student met with the dean's designate, Professor Scott Graham, to discuss allegations of plagiarism in each of CCT206 for the Group Project, in CCT204 for his paper *Redesign of Nail Polish Remover Bottle*, and in VCC304 for his paper *Hysterectomy and Female Gender Identity*. In each case the Student admitted that he was guilty of the offence of plagiarism as alleged.

e) Frontiers in Visual Culture and Knowledge Media Design

29. In the Fall of 2006, the Student enrolled in VCC390HF5 – Frontiers in Visual Culture and Knowledge Media Design (“Frontiers”) – a third year course offered by the Department of Communication, Culture and Information Technology at the Mississauga campus. Professor Joseph Ferenbok taught Frontiers.
30. Frontiers examined video games from the dual perspectives of what they can teach us about visual culture and about improving the design of media. The course outline contained the same section entitled “Academic Offences” as in Visual Culture.
31. The course requirements comprised a number of assignments, including a midterm paper worth 30% of the final mark in Frontiers.
32. On or about November 3, 2006, the Student submitted his midterm paper entitled *Shooting to play or kill?*
33. In addition to submitting a hard copy of *Shooting to play or kill?*, the Student also transmitted an electronic copy to Turnitin as required. The Turnitin Originality Report revealed a 42% overall similarity index in comparing text contained in *Shooting to play or kill?* with text contained in online sources that the Student did not reference.
34. The Student did not write much of *Shooting to play or kill?*. Instead, he cut and pasted significant portions of text from online sources without attribution.
35. The Student admits that in or about November 2006, he knowingly represented as his own, an idea, an expression of an idea, and the work of another in *Shooting to play or kill?* which he submitted to fulfill the course requirements of Frontiers, contrary to s. B.I.1(d) of the *Code*.
36. In addition, many of the sources that the Student had cited in *Shooting to play or kill?* and its Bibliography were not the actual sources that he used and were, instead, concocted.
37. The Student admits that he falsified and/or concocted several of the citations and references to sources contained in *Shooting to kill or play?*, contrary to section B.1.(1)(f) of the *Code*, and that he did so in order to disguise his actions.

f) History of Photography

38. In the Winter Term of 2007, the Student enrolled in FAH391 – History of Photography – a third year course offered by the Department of Fine Art at Mississauga. Dr. Amish Morrell taught this course.

39. History of Photography focused on the evolution of photography from the 1830s to the present, and how it has shaped conceptions of social and national identity and changing perceptions of subjectivity and reality. The course outline contained a section entitled "Academic Honesty" which stated that citations, in-text references and a works-cited page would be required, using a consistent referencing style.
40. The course requirements comprised both tests and assignments, including an essay proposal worth 10% of the final mark in History of Photography.
41. On or about March 2, 2007, the Student submitted an essay proposal and annotated bibliography ("Essay Proposal).
42. The Student did not write much of the Essay Proposal. Instead, he copied significant portions of it from a number of online and other sources.
43. The Student admits that he did no meaningful academic work on the Essay Proposal. Specifically, the Student admits that on or about March 2, 2007, he knowingly represented as his own, an idea, an expression of an idea, and the work of another in the Essay Proposal, which he submitted to fulfill the course requirements of History of Photography, contrary to s. B.I.1(d) of the Code.

g) Second Dean's Meeting – March 14, 2007

44. The Student met with Professor Scott Graham, dean's designate, on March 14, 2007 to discuss an allegation of plagiarism in VCC390 in connection with his paper *Shooting to play or kill?*. The Student admitted at that meeting that he was guilty of plagiarism as alleged. He explained that he wasn't capable of writing a good paper, he had sought academic counseling but had not found it helpful, he was facing pressure from his parents and the demands of a job, and "I know I shouldn't have been doing this but I did it 4 times".
45. The Student waived a dean's meeting in connection with FAH3391, as he had admitted guilt to the course instructor in a meeting with him.
46. As a result of the foregoing, The Student was charged by the University with academic offences described in paragraphs 2 – 4, above.

II. Pleas and Findings

47. As stated, at the hearing of this matter, the Student pled guilty to:
 - (a) charge #1, #3 and #5 of the Charges filed by the University on March 7, 2007;

- (b) charge #1 and #2 of the Charges filed by the University on May 31, 2007; and
- (c) charge #1 of the Charges filed by the University on June 19, 2007.

48. Based upon the Agreed Statement of Facts and the Student's guilty pleas, the Tribunal found him guilty of these six offences.

III. Sanction

a) Agreed Facts

49. After the Tribunal made its finding of guilt, the parties advised the Tribunal of the following agreed facts, which they considered relevant to the issue of sanction:

- (i) The Student had committed a prior plagiarism offence under the Code of Behaviour on Academic Matters in 2004.
- (ii) The Student had been enrolled in the Winter 2004 session of SOCB51H3S – Deviance and Normality II.
- (iii) At a meeting with Professor Elinor Irwin, Dean's Designate, on July 15, 2004 to discuss allegations of plagiarism, the Student admitted that he had committed the academic offence of plagiarism in an essay he had submitted for academic credit in SOCB51H3S. The Student further admitted that:
 - (A) he had been aware when he submitted the essay that it would be examined by Turn-it-in;
 - (B) 52% of the essay was drawn from six internet sources; and
 - (C) he had failed to list or otherwise acknowledge all sources of text and information contained in his essay.
- (iv) The Dean's Designate imposed the following penalty:
 - (A) a grade of zero for the paper; and
 - (B) a notation on the Student's transcript for a one year period.
- (v) In Professor Irwin's letter to the Student summarizing the meeting and the penalty imposed, she stated:

"This is more lenient than recommended in the Provost's guidelines, and is imposed in the expectation that you have learned a lesson from this experience and will not offend again. ... A

second offence will automatically result in a far more severe penalty.”

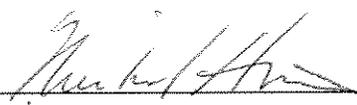
- (vi) In anticipation of the hearing, the Student had obtained two letters of character reference, specifically:
 - (A) a letter dated August 8, 2007, from Pastor Chang Cho; and
 - (B) a letter dated August 9, 2007, from Bryan Lee, CFA.

b) Joint Submission

- 50. The University of Toronto and the Student then submitted to the Tribunal that the appropriate penalty in all of the circumstances should be:
 - (a) the Student be suspended from attendance at the University of Toronto for a period of 5 years, from the date of the hearing;
 - (b) assignment of a grade of zero in:
 - i. CCT206H5 for the 2006 Winter term;
 - ii. CCT204H5 for the 2006 Winter term;
 - iii. VCC304H5 for the 2006 Summer term;
 - iv. VCC390H5 for the 2006 Fall term; and
 - v. FAH391H5 for the 2007 Winter term.
 - (c) notation on the Student's transcript from the date of this hearing for a period of 7 years or his graduation from the University, whichever occurs first, to the effect that he was sanctioned for academic misconduct.
- 51. The University of Toronto and the Student further submitted that the Tribunal should report this case to the Provost who may publish a notice of the decision of the Tribunal and the sanction or sanctions imposed with the Student's name withheld.
- 52. The panel was also provided with case law to support the joint submission that the proposed sanction is reasonable in all the circumstances of the case.

53. It would be fair to say that the Panel's initial reaction to all of the foregoing was that the proposed penalty, although clearly at the most severe end of the disciplinary spectrum, was still insufficient in view of the facts of the case. The Student has been treated with leniency once before. Rather than learning any kind of significant lesson from that experience, he appears to have simply treated it as a temporary setback in his pursuit of a degree. The Student seems to place a great deal of emphasis on passing and relatively little emphasis on learning.
54. Were it not for the fact that the guilty plea and proposed sanction in this case were secured through the important process of pre-hearing discussion and negotiation, we would have been inclined to recommend the punishment of expulsion. However, out of respect for the importance of that process, we have decided to accept the joint submission of the parties.
55. Accordingly, we hereby impose the following sanctions:
- (a) the Student be suspended from attendance at the University of Toronto for a period of 5 years, from the date of the hearing;
 - (b) assignment of a grade of zero in:
 - (i) CCT206H5 for the 2006 Winter term;
 - (ii) CCT204H5 for the 2006 Winter term;
 - (iii) VCC304H5 for the 2006 Summer term;
 - (iv) VCC390H5 for the 2006 Fall term; and
 - (v) FAH391H5 for the 2007 Winter term.
 - (c) notation on the Student's transcript from the date of this hearing for a period of 7 years or his graduation from the University, whichever occurs first, to the effect that he was sanctioned for academic misconduct.
56. We further advise that the Tribunal shall report this case to the Provost for publication with the name of the student withheld.

DATED at Toronto this 12th day of October, 2007.



Co-Chair