

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION**

Members of the Panel:

Julie K. Hannaford, Co-Chair
Stéphane Mechoulan, Faculty Panel Member
Tina Wong, Student Panel Member

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 Mr. Z.

Jennifer Krotz, Downtown Legal Services, for the accused
Lily I. Harmer, Assistant Discipline Counsel, for the University

Witnesses:

Tim Hutchinson, Archivist, University of Saskatchewan
Joe Cox, Librarian, Faculty of Information Studies
Joan Cherry, Vice-Dean, Faculty of Information Studies
C. [REDACTED] L. [REDACTED], FIS student
C. Z., accused

BACKGROUND

[1] A hearing of the Trial Division of the University Tribunal was convened at 5:00 p.m. on Monday, October 25, 2004 in the Council Chamber, Simcoe Hall, to consider the following charges brought under the *Code of Behaviour on Academic Matters, 1995* against Mr. Z. by letter dated July 25, 2002 from the Provost, Professor Vivek Goel:

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1. On or about March 10, 2004, you knowingly represented as your own, an idea or expression of an idea, and/or work of another in connection with a form of academic work, namely, Assignment #3 on the topic of Speech Application Language Tags (SALT), an assignment that you submitted with C [REDACTED] L [REDACTED] to fulfill the course requirements of FIS-2178, contrary to Section B.I.1(d) of the *Code of Behavior on Academic Matters, 1995* (“Code”). Pursuant to Section B of the *Code* you are deemed to have acted knowingly if you ought reasonably to have known that you represented as your own, an idea or expression of an idea or work of another.
2. In the alternative, on or about March 10, 2004, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind in an assignment submitted to fulfill course requirements in FIS- 2178 contrary to Section B.I.3(b) of the *Code*. Pursuant to Section B of the *Code* you are deemed to have acted knowingly if you ought reasonably to have known that you engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind.

[2] When the hearing commenced on October 25, 2004, Mr. Z., for whom English is a second language, appeared on his own behalf. The panel quickly became concerned with Mr. Z.’s ability to understand the proceedings and effectively represent himself because of his obvious difficulties with English. The panel was advised that, but for these charges, Mr. Z. was otherwise eligible to graduate and that there was a pending convocation on November 17, 2004. Mr. Z. therefore expressed his desire that the proceedings should continue and the University was content to proceed at that time as well. Notwithstanding the positions of the accused and the University, the panel, of its own motion, adjourned the hearing until November 4, 2004 to enable Mr. Z. to seek legal advice and representation.

[3] When the proceeding resumed on November 4, 2004, Ms. Jennifer Krotz, of Downtown Legal Services, appeared on behalf of Mr. Z.. The panel was content to proceed on that basis.

[4] The first witness that the panel heard was Tim Hutchinson, an Archivist with the University of Saskatchewan, who in the spring term 2004 was the instructor for the course FIS-2178. Mr. Hutchinson was in attendance for the hearing on October 25, 2004, however as he was unable to be physically present for the November 4, 2004 hearing, his evidence was provided via videoconference from Saskatoon.

[5] The charges that are the subject matter of this proceeding pertain to the third of three written assignments in the Course FIS 2178 (alternately referred to as “LIS 2178”) “Designing Electronic Descriptive Tools”. The course focused on digital access to archival material including the use of a highly specialized hypertext markup language used to archive materials. Assignment 3 was worth 20% of the final grade in the course.

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[6] There was no dispute that Mr. Z., along with Mr. L ■, was the author of the impugned paper. There was no dispute that Mr. Z. wrote the second half of the impugned paper and Mr. L ■ wrote the first half. There is no dispute that the second half of the impugned paper contains direct quotes which are not cited. There is no dispute that the sources consulted in the second half of the paper all appear in the bibliography with one exception. The issue in dispute is whether or not Mr. Z. “ought reasonably to have known” that he was committing an academic offence. Or to put it another way, the standard to which the University may reasonably hold a graduate student in these circumstances.

REASONS FOR DECISION AND SANCTION

[1] The panel considered the evidence of Mr. Hutchinson, Mr. Cox, and Vice-Dean Cherry as it related to the course that gave rise to the paper written by Mr. Z.. What was compelling – and different – about the course and the paper was that the research and end product required significant reliance on Internet based resources. In the words of Vice Dean Cherry, the assignment was an “Internet heavy assignment”. As such, there was a greater prospect that plagiarism would occur. What further complicated this case was the history of plagiarism associated with assignments like the one given Mr. Z. in this course: in the past, similar assignments were set, and remarkable instances of plagiarism arose. For example, in the Spring session of 2002, in the same course, the same assignment was set, and out of 30 students, there were 10 allegations of plagiarism.

[2] The history of problems with plagiarism arising in similar assignments in previous years was considered against the remedial efforts related to plagiarism undertaken by the Faculty. The panel was struck by the considerable efforts made by the faculty to enhance the knowledge of the students about citation. The panel observed that the faculty offered numerous courses at various times about citation methods. These courses were voluntary for the student body. However, the panel accepted that the faculty as a whole was taking significant steps to stem the temptation to copy information from the ever-expanding information sources – and particularly associated with web based research. Finally, the panel considered the fact that for this particular assignment, a bibliography was specifically required, but in text citation was not specifically adverted to in the paper requirement. The panel recognized that in text citation is something that need not be required specifically in any research and writing assignment because the nature of proper reference to sources would of course prescribe in text citation where verbatim text is relied on.

[3] After hearing the evidence of Mr. Z., and of Mr. L ■, and after hearing about the way that Mr. Z. understood the concepts of citation, it became evident to the panel that Mr. Z. had developed a standard for citation of sources and a standard for citing verbatim sources that was at best less than acceptable. However, it was evident that this mode of citation had followed Mr. Z. through his career in the school without incident. The panel did not see this mode of conduct as excusable. But the panel was concerned that a more

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rigorous enforcement of citation standards might have alerted Mr. Z. and the student body in general to the dangers of failure to recognize and cite sources properly.

[4] Mr. Z. believed he had cited sources correctly by including the sources in a bibliography. He believed that a rather haphazard in text citation method was acceptable. He had an incomplete understanding of the nature and conduct of citation. He did not understand or adopt or adhere to one particular mode of citation (such as the APA method) and he could not demonstrate that he had an internally consistent approach to citation of sources. But it was clear that his approach to citation, such as it was, was honest and honestly held, and it was clear to the panel, that he submitted his paper in good faith, and without any intention to portray the work of someone else as his own.

[5] Mr. Z. is pursuing a degree in the field of information science. Proper citation and proper reference to sources for one's work is critical to the holding of a degree in this field as much as it is in any other field of study.

[6] It is for the above reasons that the panel entered a conviction but combined that conviction with sanctions that would underline the importance of citations, that would emphasize and reinforce the considerable efforts of the Faculty to stem plagiarism and promote a standard for citation of works and that would address the mischief that underlies plagiarism. It is for these reasons that the sanction requires that Mr. Z. fully apprise himself of the citation methods that are acceptable by taking citation courses in their entirety, and that the authors whose work was referenced and relied on be written to, and that the paper is to be re written in its entirety with a consistent acceptable citation style throughout. It is for the above reasons that the panel required a reprimand along with a reduction in the grade. Finally, the panel wished to underline the importance of fidelity to proper citation generally as well as the resources available to students to learn about citation, as well as the consequences of both advertent and inadvertent failure to abide by these rules and protocols of citation. It is for this reason that the panel prescribed publication of its reasons and the sanctions.

SANCTION

[1] There will be an oral and written reprimand to be delivered by Vice-Dean Cherry to Mr. Z..

[2] Mr. Z. will be required to resubmit the written assignment number three (3) in course LIS 2178 Designing Electronic Descriptive Tools, Group Research Paper and Presentation with the following further directions:

- (a) The paper will be resubmitted as it is currently written, in its entirety, but with proper citations prepared by Mr. Z.
- (b) Mr. Z. is to use APA citation style with either footnotes or in-line citations together with a properly cited bibliography.

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[3] Mr. Z. is to write a letter to each author whose work was referenced in the written assignment number three, acknowledging the reference made to the work of the author. A copy of the letter is to be delivered to Vice Dean Cherry.

[4] A 10% reduction of the final grade assigned to Mr. Z. for the course FIS 2178.

[5] There is to be a notation of this proceeding and of the conviction of Mr. Z. on his transcript to remain until such time as Mr. Z. has completed courses called CO2, CO3, CO4 on citation, which Mr. Z. should be able to take at no extra cost in the near or immediate future, or such other courses on citation that are the equivalent;

[6] The decision of the panel is to be published in its entirety, if possible, with the student's name withheld. In the alternative, the reasons for sanction with the student's name withheld are to be published.

April 14, 2005

Date

Julie K. Hannaford

Chair