

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION**

IN THE MATTER OF charges of academic misconduct made on May 11, 2011;

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 -

R [REDACTED] M [REDACTED]

REASONS FOR DECISION

Hearing Date: June 27, 2011

Members of the Panel:

Mr. Andrew Pinto, Barrister and Solicitor, Chair

Dr. Annette Sanger, Faculty Panel Member

Ms. Alice Kim, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers

In Attendance:

Professor Eleanor Irwin, Dean's Designate, University of Toronto Scarborough

Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

Preliminary

- [1] The Trial Division of the University Tribunal was convened on June 27, 2011 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the "Code") laid against the Student by letter dated May 11, 2011 from Professor Edith Hillan, Vice-Provost, Faculty and Academic Life.
- [2] The Student and the University entered into an Agreed Statement of Facts ("ASF") and a Joint Submission on Penalty ("JSP"), copies of which are attached to these Reasons as Appendix "A" and "B" respectively. The Tribunal noted that, although the versions of the ASF and JSP provided to the panel were signed and dated by the University on June 7, 2011, they were signed but left undated by the Student. The Tribunal requested and the University provided satisfactory documentation, entered as Exhibit #7 at the hearing, that the Student had, in fact, signed and dated the ASF and JSP on June 6, 2011.

Hearing on the Facts

- [3] The charges against the Student were as follows:
1. On or about April 5, 2010, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in an essay that you submitted for academic credit in ANT A02 – Introduction to Anthropology: Society, Culture and Language (the "Course"), contrary to section B.1.1(d) of the *Code*.
 2. In the alternative, on or about April 5, 2010, 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 to an essay you submitted for academic credit in the Course, contrary to section B.1.3(b) of the *Code*.

Particulars

3. At all material times, you were a registered student at the University of Toronto. In Winter 2010, you enrolled in the Course, which was taught by Professor Maggie Cummings.
4. Students in the Course were required to submit a writing assignment of *In Search of Respect* which was worth 15% of the final grade in the Course ("Assignment").

5. On or about April 5, 2010, you submitted an essay in completion of the Assignment, and to obtain academic credit in the Course ("Essay").
6. In your Essay you knowingly:
 - a. Represented the work of another as your own work; and
 - b. Included in the Essay ideas, and expressions of ideas, that were not your own, but were the ideas and expressions of others, which you did not acknowledge in the Essay.
7. For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in the Essay.

- [4] The Student did not attend the hearing but submitted a Consent to the hearing proceeding in her absence. The Consent confirmed that the Student understood that, in her absence, the University Tribunal may find that she had committed an act or acts of academic misconduct, and may impose sanctions against her as set out in the *Code*.
- [5] Discipline counsel provided an overview of the ASF.
- [6] The Student, via the ASF, entered a guilty plea to charges 1 and 2. The University agreed that if the Tribunal convicted the Student of charge 1, the University would withdraw charge 2.

Decision of the Tribunal on Charges

- [7] Following deliberation, based on the facts set out in the ASF and a review of the documents contained in a Joint Book of Documents ("JBD"), the Tribunal accepted the Student's guilty plea on charges 1 and 2. Consequently, the University withdrew charge 2, and the Student stood convicted on charge 1.

Penalty

- [8] The matter then continued with a hearing into the appropriate sanction. As noted above, the University and the Student filed a JSP attached to these Reasons as Appendix B.
- [9] The panel also reviewed a number of Tribunal decisions presented by the University. The panel noted that the Tribunal in *Re M.H.H.* (July 12, 2009; Case Number 521) relied on a previous decision, *Re A.K.* (November 9, 2007; Case Number 509), in holding that "the consistent minimum penalty

appears to be a two year suspension” for students convicted of plagiarism. Similarly, in *Re Y-L.O.* (November 8, 2010; Case Number 592), the Tribunal stated, “the principles that have emerged from the cases over the years are certainly clear, that a commission of a first offence of plagiarism usually carries with it a suspension of at least two years.” [para. 15]

[10] The Tribunal concluded that a 2-year suspension proposed in the present JSP is consistent with the Tribunal’s established jurisprudence concerning a first offence for plagiarism. The Tribunal also agreed that there were no compelling reasons in this case for departing from the sanction jointly suggested by the parties in the JSP.

[11] In light of the facts of this case, the admission of guilt by the Student, and the joint submission regarding penalty, the Tribunal accepts the JSP and imposes the following sanction:

1. **THAT** the following sanctions shall be imposed on the Student:
 - (a) a final grade of zero in the course ANT A02H;
 - (b) a suspension from the University commencing June 3, 2011, for a period of two years, ending on June 2, 2013; and
 - (c) the sanction be recorded on her academic record and transcript from the date of the order until June 2, 2013;
2. **THAT** this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the name of the student withheld.

Dated at Toronto, this 6th day of February, 2012.



Andrew Pinto, Co-Chair

SCHEDULE A

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO

AND

..... [REDACTED]

This Exhibit produced by

THE UNIVERSITY TRIBUNAL OF THE UNIVERSITY OF TORONTO..... UNIVERSITY.....

this 27 day of JUNE, 2011....

IN THE MATTER OF charges of academic dishonesty filed on May 11, 2011,

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters*, 1995, [Signature]

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 -

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

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

2. Ms. M [REDACTED] waives notice of this hearing.

A. Charges and guilty plea

3. Ms. M [REDACTED] admits that she received a copy of the charges filed by the Provost. The charges are included in the JBD at Tab 1.
4. Ms. M [REDACTED] waives the reading of the charges filed against her, and pleads guilty to both charges.
5. The Provost agrees that if the Tribunal convicts Ms. M [REDACTED] on charge 1, the Provost will withdraw charge 2.
6. At all material times, Ms. M [REDACTED] was a registered student at the University of Toronto. A copy of Ms. M [REDACTED]'s academic record is included in the JBD at Tab 2.

B. ENG B17

7. In the 2010 Winter term, Ms. M [REDACTED] enrolled in ANT A024 – Introduction to Anthropology, Society, Culture and Language, which was taught by Prof. Maggie Cummings ("Course").
8. A copy of the syllabus for the Course ("Syllabus") is included in the JBD at Tab 3. Ms. M [REDACTED] admits that she received a copy of the Syllabus. The Syllabus stated, in part, as follows:

Academic Integrity: Academic dishonesty (for instance, plagiarism) is a serious offence. Issues of academic dishonesty will be discussed further in your tutorials; please see the document *Academic Integrity*, posted on the intranet, for more detailed information and university policies.

9. The academic requirements for the Course included an essay that was due on April 1, 2010. On April 5, Ms. M [REDACTED] submitted an essay titled "In Search of Respect Writing Assignment" in partial completion of the Course requirements ("Essay"). A copy of the Essay is included in the JBD at Tab 4.
10. The teaching assistant in the Course graded the Essay and noted that several of the passages were reproduced verbatim or nearly verbatim from secondary sources, some of which were not listed in the Essay's endnotes. In addition, several passages were not identified

through the use of quotation marks or any other method of indicating that they were verbatim or nearly verbatim quotes.

11. The teaching assistant in the Course brought the Contemporary Essay to Prof. Cummings' attention. Prof. Cummings reviewed it and concluded that large portions of the essay closely or exactly resembled passages from websites. A copy of these sources is included in the JBD at Tab 5.

12. Ms. M [REDACTED] admits that she knowingly:

- (a) represented in the Essay the ideas of another person, the expression of the ideas of another person, and the work of another person as her own;
- (b) committed plagiarism in the Essay contrary to section B.1.1(d) of the *Code*; and
- (c) engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.1.3(b) of the *Code*.

C. *The meeting with the Dean's Designate*

13. Ms. M [REDACTED] did not meet with the Dean's Designate for Academic Integrity, to discuss the two offences.

D. *Acknowledgments*

14. Ms. M [REDACTED] acknowledges that:

- (a) the Provost of the University of Toronto has advised Ms. M [REDACTED] of her right to obtain legal counsel and that Ms. M [REDACTED] has done so; and
- (b) she is signing this ASF freely and voluntarily, knowing of the potential consequences she faces, and does so with the advice of counsel.

Signed on June , 2011.

A black rectangular redaction box covers the signature area, with a horizontal line extending to the right from the bottom edge of the box.

Signed on June 7, 2011.

A handwritten signature in blue ink, appearing to read "Robert A. Centa", is written over a horizontal line.

Robert A. Centa
Assistant Discipline Counsel
University of Toronto

SCHEDULE B

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on May 11, 2011,

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 –

R [REDACTED] M [REDACTED]

JOINT SUBMISSION ON PENALTY

1. For the purposes of the sanction phase of this hearing under the *Code of Behaviour on Academic Matters* ("Code"), the University of Toronto (the "University") and R [REDACTED] M [REDACTED] ("Ms. M [REDACTED]") have prepared this Joint Submission on Penalty.
2. The Provost and Ms. M [REDACTED] submit that the appropriate penalty in all the circumstances of the case is that the University Tribunal impose the following sanctions on Ms. M [REDACTED]:
 - (a) a final grade of zero in the following course: ANT A02H.
 - (b) a suspension from the University from June 3, 2011, until June 2, 2013;
 - (c) a notation of the sanction on her academic record and transcript from the date of the Order until June 2, 2013;
3. The parties agree that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanction imposed in the University newspapers, with the name of the student withheld.

Signed on June __, 2011.

[Redacted signature]

Signed on June 7, 2011.

Robert A. Centa

Robert A. Centa
Assistant Discipline Counsel
University of Toronto

NO. 8

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO
AND

..... *R* [Redacted] *M* [Redacted]

This Exhibit is produced by

the UNIVERSITY

this 27 day of JUNE, 2011.....

[Signature]