

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on July 30, 2019,

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 am. S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

S [REDACTED] K [REDACTED] (the "Student")

REASONS FOR DECISION

Date of Hearing: September 16, 2019

Members of the Panel:

Mr. F. Paul Morrison

Dr. Chris Koenig-Woodyard, Faculty Panel Member

Ms. Julie Farmer, Student Panel Member

Appearances:

Ms. Lauren Pearce, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

Krista Kennedy, Administrative Clerk and Hearing Secretary, Office of the Appeals Discipline and Faculty Grievances

Not in Attendance:

The Student

Introduction

1. A hearing before the University Tribunal (the "Tribunal") was convened on September 16, 2019 to consider the Charges (as defined below) against the Student.
2. The Student did not appear at the hearing. A Consent executed by the Student and dated September 4, 2019 was filed as Exhibit 1 at the hearing. *Inter alia*, the Consent recorded that the Student did not wish to attend or participate further in these proceedings, that she requested the Tribunal to proceed in her absence, that she understood that the Tribunal might find that she had committed an act or acts of academic misconduct for which sanctions might be imposed against her, and that she was signing the Consent freely and voluntarily and having had the opportunity to receive the advice of legal counsel.

The Charges

3. The Charges against the Student were as follows:
 - (a) On or about April 3, 2019, you knowingly represented as your own an idea, or expression of an idea, and/or the work of another in an essay assignment titled "Veronica's Self Representation Through a Feministic Approach" (the "Essay"), which you submitted for academic credit in VIC342H (Women and Writing in the Renaissance) (the "Course"), contrary to section B.i.1(d) of the *Code*.

- (b) On or about April 3, 2019, you knowingly obtained unauthorized assistance in connection with the Essay, which you submitted for academic credit in the Course, contrary to section B.i.1(b) of the *Code*.
 - (c) In the alternative to charges 1 and 2, on or about April 3, 2019, 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 the Essay you submitted in the Course, contrary to section B.i.3(b) of the *Code*.
4. The Student entered a plea of Guilty to all 3 Charges. Counsel for the University undertook that if the Tribunal entered a conviction on Charge 1, the University would withdraw Charges 2 and 3.

The Facts

- 5. An Agreed Statement of Facts was entered on consent as Exhibit 2 at the hearing.
- 6. A Joint Book of Documents containing documents pertinent to the Charges and to the Agreed Statement of Facts was entered on consent as Exhibit 3 at the hearing.
- 7. The Tribunal members received submissions with respect to the contents of Exhibit 2 and Exhibit 3 and considered both Exhibit 2 and Exhibit 3 in their entirety.
- 8. The Agreed Statement of Facts and the Joint Book of Documents revealed the following facts:

VIC342 and the Essay

9. At all material times, the Student was registered at the University of Toronto, Faculty of Arts and Science.
10. In the Winter 2019 academic term, the Student enrolled in VIC342: Women and Writing in the Renaissance (the "Course"), which was taught by Professor Manuela Scarci.
11. The Student admits that she received a copy of the syllabus for the Course.
12. The syllabus stated as follows with respect to academic integrity (on page 4, emphasis in original):

Academic Misconduct (<http://uoft.me/CodeofBehaviour>)

The University of Toronto's Code of Behaviour on Academic Matters outlines the behaviours that constitute academic misconduct, the processes for addressing academic offences, and the penalties that may be imposed. You are expected to be familiar with the contents of this document. **Teaching Assistants and Instructors are required to report any instance of suspected academic dishonesty to the Program Office.**

Potential offences include, but are not limited to:

In papers and assignments:

- Using someone else's ideas or words without appropriate acknowledgement.
- Submitting your own work in more than one course without the permission of the instructor.
- Making up sources or facts.
- Obtaining or providing unauthorized assistance on any assignment (this includes working in groups on assignments that are supposed to be individual work).

On tests and exams:

- Using or possessing any unauthorized aid, including a cell phone.
- Looking at someone else's answers.
- Letting someone else look at your answers.

- Misrepresenting your identity.
- Submitting an altered test for re-grading.

Misrepresentation:

- Falsifying or altering any documentation required by the University, including (but not limited to) doctor's notes.
- Falsifying institutional documents or grades.

If you have any questions about what is or is not permitted in this course, please do not hesitate to contact me. If you have questions about appropriate research and citation methods, you are expected to seek out additional information from me or other available campus resources like the College Writing Centres www.writing.utoronto.ca/writing-centres/centres/arts-and-sciences, the Academic Success Centre www.asc.utoronto.ca, or the U of T Writing Website www.writing.utoronto.ca.

13. Students in the Course were required to submit a research essay, of a maximum of 2,000 words, which was worth 35% of the final grade in the Course.
14. On April 2, 2019, the Student submitted her essay, titled "Veronica's Self Representation Through a Feministic Approach" (the "Essay"). She did so in partial completion of the requirements of the Course, and for the purpose of receiving academic credit.
15. Upon review, Professor Scarci determined that there were passages in the Essay that had been taken verbatim or nearly verbatim, without attribution, from a graduate thesis by Gretchen M. Cohenour, titled "Veronica Franco and First Wave Feminism: Reaching From the Past, Building Towards the Future" (the "Cohenour Thesis"). The Cohenour Thesis is available online.
16. On June 12, 2019, the Student met with Professor Francois Pitt, Dean's Designate for Academic Integrity. The Student acknowledges that, during their meeting, Professor Pitt provided the Dean's warning that is required by the *Code*.

17. During the meeting, the Student admitted that she plagiarized portions of the Cohenour Thesis in her Essay, without attribution.

Admissions and Acknowledgements

18. The Student admits that she knowingly:
 - (a) included verbatim or nearly verbatim passages from the Cohenour Thesis in her Essay, without attribution;
 - (b) represented the ideas, expression of ideas, or work of another as her own in the Essay;
 - (c) committed plagiarism in the Essay, contrary to section B.i.1(d) of the *Code*;
 - (d) received unauthorized assistance in connection with the Essay, contrary to section B.i.1(b) of the *Code*; and
 - (e) 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 the Essay, contrary to section B.i.3(b) of the *Code*.

Findings of the Tribunal

19. Having considered the Agreed Statement of Facts, the Joint Book of Documents and the submissions received with respect thereto, the Tribunal accepted the plea of Guilty to Charge 1 and entered a conviction on that Charge.
20. Counsel for the University, accordingly, withdrew Charges 2 and 3 in accordance with its undertaking.

Penalty

21. The University and the Student submitted an Agreed Statement of Facts and Joint Submission on Penalty (the "Joint Submission"). It was marked as Exhibit 4 at the hearing.
22. The following facts relevant in particular to penalty were noted by the Tribunal.
23. The University has sanctioned the Student for two prior academic offences.
24. On June 28, 2017, the Student met with Professor Jonathan Freedman, Dean's Designate for Academic Integrity, to discuss the allegation that, during the winter 2017 academic term, she had committed the offence of plagiarism in connection with an essay assignment worth 40% of her grade in SOC281. During the meeting, the Student admitted to committing the academic offence.
25. On July 5, 2017, Professor Freedman wrote to the Student to confirm that she had admitted to committing the academic offence and, as a result, would receive a sanction of a zero on the essay assignment, a further 20% reduction in her grade in the course, and a one year notation on her transcript.
26. On May 23, 2018, the Student met with Professor Francois Pitt, Dean's Designate for Academic Integrity, to discuss the allegation that, during the Winter 2018 academic term, she had committed the offence of plagiarism in connection with an essay assignment worth 30% of her grade in ENG354. During the meeting, the Student admitted to committing the academic offence.

27. On May 24, 2018, Professor Pitt wrote to the Student to confirm that she had admitted to committing the academic offence and, as a result, would receive a sanction of a zero in the course, an eight month suspension (expiring on December 31, 2018), and a two year notation on her transcript.
28. The Tribunal recognizes and accepts the well-settled principles with respect to when a panel should accept and when a panel may reject a Joint Submission from both sides as to penalty or sanction.
29. A panel is not obliged or required to accept a Joint Submission. It remains the obligation and responsibility of the panel to impose a fit sentence in the circumstances of every case.
30. However, the companion obligation by which a Panel is equally bound is that a Joint Submission may be rejected only in circumstances where to give effect to it would be contrary to the public interest or bring the administration of justice into disrepute. Only if a Joint Submission is truly unreasonable or unconscionable should it be rejected.
31. Counsel for the University filed with the Tribunal a chart synthesizing the penalties imposed in comparable cases. The Tribunal recognizes and accepts that the penalty proposed in this case is justifiably comparable to the penalties imposed in the comparable cases.
32. Accordingly, the Tribunal accepted the Joint Submission and imposed the penalty and granted the Order sought.

The Order

33. The University Tribunal orders:

- (a) **THAT** the Student is guilty of one count of knowingly representing as her own an idea, or expression of an idea, and/or the work of another in an essay assignment which she submitted for academic credit in VIC342H (Women and Writing in the Renaissance) (the "Course"), contrary to section B.i.1(d) of the *Code*;
- (b) **THAT** the following sanctions shall be imposed on the Student:
 - (i) a final grade of zero in the Course;
 - (ii) a suspension from the University of Toronto until April 30, 2023; and
 - (iii) a notation of this sanction on her academic record and transcript until April 30, 2024
- (c) **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 November day of // , 2019.



F. Paul Morrison, Chair