

**THE UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL**

IN THE MATTER OF charges of academic misconduct filed on December 14, 2018,

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
(The “University”)**

- and -

M [REDACTED] A [REDACTED] (the “Student”)

REASONS FOR DECISION

Hearing Date: September 19, 2019

Panel Members:

Ms. Michelle S. Henry, Lawyer, Chair
Professor Richard B. Day, Faculty Panel Member
Mr. David Allens, Student Panel Member

Appearances:

Ms. Lily I. Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Ms. Kristy Wong, Law Student, Downtown Legal Services, Representative for the Student

Hearing Secretary

Ms. Jennifer Dent, Associate Director, Appeals, Discipline and Faculty Grievances, University of Toronto

In Attendance:

The Student

1. A Hearing of the Trial Division of the University Tribunal convened on September 19, 2019, to consider charges of academic misconduct brought by the University against the Student under the *Code of Behaviour on Academic Matters, 1995* (the “Code”). The Student was informed of the charges by letter dated December 14, 2018, from Professor Heather Boon, Vice-Provost, Faculty & Academic Life.

THE CHARGES

2. At all material times, the Student was a registered student at the University of Toronto, Mississauga (“UTM”). The University alleges that the Student engaged in the following offences:
 1. On or about August 3, 2017, the Student knowingly represented as his own an idea or expression of an idea, and/or the work of another in a take home midterm exam (“HIS221 Midterm”) that he submitted in partial completion of the requirements for HIS221H5S (“HIS221”) contrary to section B.I.1(d) of the *Code*.
 2. On or about November 7, 2017, he knowingly used or possessed an unauthorized aid or obtained unauthorized assistance in an essay titled “A Symbolic Interactionist Analysis of Weightlifting and Consumerism” (“SOC100 Essay”) that he submitted in partial completion of the requirements for SOC100H5F (“SOC100”) contrary to section B.I.1(b) of the *Code*.
 3. In the alternative to paragraph 2, on or about November 7, 2017, he knowingly represented as his own an idea or expression of an idea, and/or the work of another in his SOC100 Essay that he submitted in partial completion of the requirements for SOC100 contrary to section B.I.1(d) of the *Code*.
 4. On or about February 12, 2018, he knowingly represented as his own an idea or expression of an idea, and/or the work of another in an assignment titled “Batesian mimicry of Viceroy Butterflies and its effectiveness to predation compared to Monarch and Queen butterflies” (B10360 Report”) that he submitted in partial completion of the requirements for BI0360H5S (“B10360”) contrary to section B.I.1(d) of the *Code*.
 5. On or about February 28, 2018, he knowingly obtained assistance with an assignment titled “Lab 1 Assignment Part II” (BI0202 Assignment”) that he submitted in partial completion of the requirements for BI0202H5S (“B10202”) contrary to section B.I.1(b) of the *Code*.
 6. In the alternative to paragraph 5, on or about February 28, 2018, he knowingly represented as his own an idea or expression of an idea, and/or the work of another, in

his BI0202 Assignment that he submitted in partial completion of the requirements for BI0202 contrary to section B.I.1(d) of the *Code*.

7. In the alternative to paragraphs 1 through 6 above, he 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 the Course, contrary to section B.I.3(b) of the *Code* in connection with:
 - a) his HIS221 Midterm submitted in partial completion of the requirements for HIS221;
 - b) his SOC100 Essay that he submitted in partial completion of the requirements for SOC100;
 - c) his B10360 Report that he submitted in partial completion of the requirements for B10360; and/or
 - d) his BI0202 Assignment that he submitted in partial completion of the requirements for BI0202.

AGREED STATEMENT OF FACTS

3. The Hearing proceeded on the basis of an Agreed Statement of Facts. The Panel also received a Joint Book of Documents that is referred to in the Agreed Statement of Facts. The following is an abridged version of the Agreed Statement of Facts.

The Assignments

HIS221H5

4. In Summer 2017, the Student was enrolled in HIS221H5: Themes in Medieval History, taught by Professor Abdullah Farooqi (“HIS221”). Students in HIS221 were required to write a take-home midterm test worth 20% of the HIS221 mark. The Student submitted his HIS221 midterm test on August 3, 2017 (“HIS221 Midterm”).
5. While marking the Student’s HIS221 Midterm, Professor Farooqi noticed that the writing style was of a distinctly different and more sophisticated calibre than earlier written work that he had received from the Student. Using Google searches, Professor Farooqi identified a number of sources from which the Student’s HIS221 Midterm appeared to be copied. All but one paragraph contained identical text to parts of an essay found at <http://www.customessaymeister.com/customessays/History:%20Ancient/17634.htm> ; and the remaining paragraph contained verbatim text from a Wikipedia page.

6. Professor Farooqi met with the Student to discuss his concerns about plagiarism in the Student's HIS221 Midterm on August 25, 2017.

SOC100H5

7. In the 2017 Fall term, the Student enrolled in SOC100H5: Introduction to Sociology ("SOC100"), taught by Professor Jayne Baker. Students in SOC100 were required to submit an essay worth 20% of the SOC100 course mark. Students could choose to write about the topic of groupthink or virtual communities. The topic of consumerism was not one of the topics about which students were asked to write their essays.
8. On November 7, 2017, the Student submitted his essay, titled "A Symbolic Interactionist Analysis of Weightlifting and Consumerism" ("SOC100 Essay") to Turnitin. Turnitin flagged a 48% Similarity Index with another student paper previously submitted in an earlier SOC100 class called "Weightlifting and Consumerism: A Symbolic Interactionist Analysis" ("SOC100 Source Essay").
9. Professor Baker compared the SOC100 Essay to the SOC100 Source Essay and confirmed that many of the words and phrases in the SOC100 Essay were copied directly from the SOC100 Source Essay.
10. Professor Baker attempted to schedule a meeting with the Student in mid-November 2017 to discuss his SOC100 Essay. The Student attempted to withdraw from SOC100 without academic penalty. He was not permitted to do so in the face of Professor Baker's concerns about his SOC100 Essay. The Student met with Professor Baker to discuss his SOC100 Essay on November 14, 2017. The Student did not write the final exam in SOC100 in December 2017.
11. The Student requested a meeting with the Office of Academic Integrity at UTM to discuss academic offences. He did not attend a meeting scheduled for November 22, 2017, but corresponded by email with Alex Di Blasio, Academic Integrity Assistant, about the potential consequences of having two plagiarism offences. In particular, the Student indicated that he wished to graduate in 2020, and asked for leniency in his penalty if he showed improvement in his courses. He was advised that grades did not have an impact on sanction for academic misconduct.

BIO360H5S

12. In the 2018 Winter term, the Student enrolled in BIO360H5S: Biometrics I ("BIO360"), taught by Professor Helene Wagner. Students in BIO360 were required to submit a written report worth 7% of the BIO360 course mark. The report required students to write about a particular case study called "Revising a Classic Butterfly Mimicry Scenario: Demonstration of Mullerian

Mimicry Between Florida Viceroy (*Limenitis Archippus Floridensis*) and Queens (*Danaus Gilippus Berenice*)” (“Required Case Study”).

13. On February 12, 2018, the Student submitted a report called “Batesian mimicry of Viceroy Butterflies and its effectiveness to predation compared to Monarch and Queen butterflies” (“BIO360 Report”) to Turnitin. Turnitin indicated a 67% similarity index with three sources: 43% with the Required Case Study; 16% with a student paper submitted to the University; and 8% with an internet source scholarblogs.emory.edu (“Emory Internet Source”).
14. A Google search for the Emory Internet Source identified by Turnitin revealed an article called “Survival of the Fittest: Monarch and Viceroy Butterflies”. Words, phrases, ideas and expressions of ideas from the first two paragraphs of the Emory Internet Source appeared in the first two paragraphs of the Introduction section of the Student’s BIO360 Report.
15. Professor Wagner met with the Student to discuss her concerns about alleged plagiarism in his BIO360 Report on March 6, 2018.

BIO202H5S

16. In the 2018 Winter term, the Student was also enrolled in BIO202H5S: Introductory Animal Physiology (“BIO202”), taught by Professor Nagham Abdalahad. Students in BIO202 were required to submit a series of lab assignments, including Lab I Assignment Part II, worth 6.5% of the final mark in BIO202.
17. The Student submitted his Lab 1 Assignment Part II to Turnitin on February 28, 2018 (“[REDACTED] BIO202 Lab Report”). Turnitin indicated an 87% similarity index with a student paper submitted to the University. Turnitin identified two student papers as comparators to the [REDACTED] BIO202 Lab Report.
18. The Student admits that he copied his [REDACTED] BIO202 Lab Report from an assignment which he found on a computer available for use by students in the UTM Student Centre. He changed the assignment file which he found on that computer by including his specific class data, but otherwise kept everything else the same.
19. The Student met with Professor Abdalahad together with Diane Matias, the Undergraduate Advisor, Department of Biology at UTM, on March 20, 2018, and again at a joint meeting with A.V. and R.N. on March 23, 2018, to discuss the significant similarities amongst the [REDACTED] BIO202 Lab Report, the A.V. BIO202 Lab Report and the R.N. BIO202 Lab Report.

Meeting with Dean’s Designate

20. The Student was invited to attend a meeting with the Dean’s Designate at UTM to address four separate reports regarding allegations of academic misconduct, in particular plagiarism in

connection with the HIS221 Midterm, the SOC100 Essay, the BIO360 Report, and the ■■■ BIO202 Lab report.

21. The Student attended a Dean's meeting with Dean's Designate Professor Michael Georges on June 28, 2018. During the Dean's meeting, the Student admitted that he was guilty of committing an academic offence in respect of each of the four assignments in issue.

Admissions and Acknowledgements

22. The Student acknowledges that at all material times he was provided with information about academic integrity, and about plagiarism in particular, and that he had access to sufficient resources to understand how to avoid plagiarism. The Student admits that he knowingly:
 - (a) included verbatim or nearly verbatim text and ideas in the HIS221 Midterm Paper that were taken from the Custom Service Essay and the Wikipedia Source without attribution to identify the copied text as someone else's words and ideas;
 - (b) included verbatim or nearly verbatim text and ideas in the SOC100 Essay that were taken from the SOC Source Essay without attribution to identify the copied text as someone else's words and ideas ;
 - (c) included verbatim or nearly verbatim text and ideas in the BIO360 Report that were taken from the Required Case Study and the Emory Internet Source without attribution to identify the copied text as someone else's words and ideas;
 - (d) included verbatim or nearly verbatim text and ideas in the ■■■ BIO202 Lab Report that were taken from the A. V. BIO202 Lab Report and/or the R. N. BIO202 Lab Report without attribution to identify the copied text as someone else's words and ideas;
 - (e) represented in each of the HIS221 Midterm, the SOC100 Essay, the BIO360 Report and the ■■■ BIO202 Lab Report the ideas of another person or persons, the expression of the ideas of another person or persons, or the work of another person or persons as his own; and
 - (f) committed plagiarism in respect of each of the HIS221 Midterm, the SOC100 Essay, the BIO360 Report and the ■■■ BIO202 Lab Report, contrary to section B.I.1(d) of the *Code*.

FINDINGS ON CHARGES

23. Following deliberations and based on the Agreed Statement of Facts and the Joint Book of Documents, the Panel concluded that charges 1, 3, 4 and 6 (as outlined in paragraph 2 above) had been proven with clear and convincing evidence on a balance of probabilities, and accepted the guilty pleas of the Student in respect of those charges.
24. The Panel was advised that if the Tribunal convicts the Student on charges 1, 3, 4 and 6, outlined above in paragraph 2, the University would withdraw the alternative charges. Accordingly, the Panel makes no findings with respect to charges 2, 5 and 7.

PENALTY

25. The University and the Student submitted an Agreed Statement of Facts on Penalty and a Joint Submission on Penalty recommending the following penalty:
- a. a final grade of zero in the course HIS221H5 in Summer 2017;
 - b. a final grade of zero in the course SOC100H5 in Fall 2017;
 - c. a final grade of zero in the course BIO360H5S in Winter 2018;
 - d. a final grade of zero in the course BIO202H5S in Winter 2018;
 - e. a suspension from the University of Toronto from the day the Tribunal makes its order for a period of four years, to August 31, 2023; however, the four years would be nominally reduced by 19 days to permit the Student to register for courses in Fall 2023; and,
 - f. a notation of the sanction on the Student's academic record and transcript from the day the Tribunal makes its order for a period of five years, to September 18, 2024.
26. The parties also agreed that this case shall be reported to the provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the name of the Student withheld.
27. In addition to the above penalties, the Student also provided an undertaking to complete six (6) Elements of Academic Writing workshops offered by UTM at the Robert Gillespie Academic Skills Centre. The Student also agreed to complete the workshops within the first eight (8) months following the date he next registers for a course at the University. In the event that the workshops are not available at the time the Student attempts to complete them, the University will, acting reasonably, propose an alternate and equivalent program that the Student shall complete in fulfilling his undertaking.

28. The Student further agreed and accepted that he will not be eligible to graduate from the University until he fulfils the above undertaking and the University may rely on this undertaking to deny him the ability to graduate until it is fulfilled.
29. Assistant Discipline Counsel provided submissions on the high threshold required for a Tribunal to deviate from the joint submission on penalty. As set out in the Appeal Board in *S.F.* and *The University of Toronto* (Case No. 690, October 20, 2014), only truly unreasonable or “unconscionable” joint submissions should be rejected (see paragraph 22). In the Panel’s view the joint submission in this case is reasonable.
30. The Panel also heard submissions regarding the appropriateness of the penalty, reviewed relevant past decisions of the Tribunal submitted by the University, and considered the factors set out in *University of Toronto* and *Mr. C.* (File 1976/77-3, November 5, 1976), namely: 1) the character of person charged; 2) the likelihood of repetition of the offence; 3) the nature of offence committed; 4) any extenuating circumstances surrounding the commission of the offence; 5) detriment to the University occasioned by the offence; and 6) the need to deter others from committing a similar offence.
31. With respect to his character, as noted by Assistant Discipline Counsel, the Student admitted guilt to the offences, and that admission of guilt is a demonstration of his insight. The Student had also cooperated in the process and accepted responsibility, which demonstrated ownership, and responsibility for actions. These were mitigating factors.
32. The Panel also took into consideration the serious and deliberate nature of the offences and the detriment to the University. There was no evidence of prior offences or misconduct; however, despite having been caught, the Student still engaged in further offences.
33. Having regard to the above, and based on the review of similar cases provided by Counsel to the University, the Panel agrees that the recommended sanctions are appropriate.

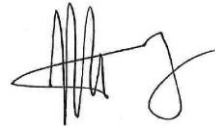
DECISION OF THE PANEL

34. At the conclusion of the hearing, the Panel made the following order:
 - a. **THAT** the Student is guilty of four counts of knowingly representing as his own an idea or expression of an idea or work of another in assignments that he submitted in HIS221H5 in Summer 2017, SOC100H5 in Fall 2017, BIO360H5S in Winter 2018 and BIO202H5S in Winter 2018, 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 course HIS221H5 in Summer 2017;

- ii. a final grade of zero in the course SOC100H5 in Fall 2017;
 - iii. a final grade of zero in the course BIO360H5S in Winter 2018;
 - iv. a final grade of zero in the course BIO202H5S in Winter 2018;
 - v. a suspension from the University of Toronto from the day the Tribunal makes its order for a period of four years (less 19 days), to August 31, 2023; and
 - vi. a notation of the sanction on his academic record and transcript from the day the Tribunal makes its order for a period of five years, to September 18, 2024.
- c. **THAT** this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the Student's name withheld.

35. An Order was signed at the hearing by the Panel to this effect.

DATED at Toronto, December 16, 2019.



Michelle S. Henry, Co-Chair