

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on December 14, 2020,

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

B E T W E E N:

UNIVERSITY OF TORONTO (the “University”)

- and -

S [REDACTED] T [REDACTED] (the “Student”)

REASONS FOR DECISION

Date of Hearing: March 1, 2021, via Zoom

Members of the Panel:

Ms. Sabrina A. Bandali, Chair

Professor Pascal van Lieshout, Faculty Panel Member

Ms. Yusra Qazi, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Mr. Daniel Walker, Counsel for the Student, Bobila Walker Law LLP

Hearing Secretary:

Mr. Christopher Lang, Director, Appeals, Discipline & Faculty Grievances

Not in Attendance:

The Student

Introduction

1. A hearing before the Trial Division of the University Tribunal (the “Tribunal”) was convened on March 1, 2021 to consider charges brought by the University against the Student under the *University of Toronto Code of Behaviour on Academic Matters*, 1995 (the “Code”).

The Charge

2. The charges against the Student (the “Charges”) are as follows:

HIS221

- (a) On or about December 4, 2019, 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 HIS221H5F, 2019(9), contrary to section B.I.1(d) of the Code. (Charge No. 1)
- (b) In the alternative to the above charge, 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 a term paper that you submitted in the HIS221H5F, 2019(9), contrary to section B.I.3(b) of the Code. (Charge No. 2)

Particulars

3. The particulars of the offences charged (Charge No. 1 and 2) are as follows:

- (a) HIS221 was taught by Simon Beaulieu. The course requirements included that you submit an essay for academic credit, which was worth 20% of the final grade.
- (b) On December 4, 2019, you submitted an essay titled “An Understanding of the Investiture Controversy.” In this essay, you included verbatim and nearly verbatim excerpts from Wikipedia without proper attribution.
- (c) You knowingly represented the work of another person as your own. You knowingly included in your submission ideas and the expressions of ideas that were not your own, but those of another person, were the ideas, expressions of ideas, and verbatim or nearly verbatim text of another person, which you did not acknowledge. For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in the course.

HIS211

- (a) On or about April 4, 2020, 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 HIS211H5F [sic], 2020(1), contrary to section B.I.1(d) of the Code. (Charge No. 3)

- (b) In the alternative to the above charge, 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 a term paper that you submitted in the HIS211H5F [sic], 2020(1), contrary to section B.I.3(b) of the Code. (Charge No. 4)

Particulars

4. The particulars of the offences charged (Charge No. 3 and 4) are as follows:

- (a) HIS211 was taught by Alison MacAulay. The course requirements included that you submit an essay for academic credit, which was worth 25% of the final grade.
- (b) On or about April 4, 2020, you submitted an essay titled "Holocaust Films as Reminders of Those who Survived and Those Who Died." In this essay, you included verbatim and nearly verbatim excerpts from several sources without proper attribution including:
- (i) E. Fuchs, "Images of Women in Holocaust Films," *Shofar* Vol 17, No. 2, 49-56; and
 - (ii) J. Maron, "Affective Historiography: Shindler's List, Melodrama and Historical Representation," *Shofar* Vol 27, No. 4 (2009) 66-94.
- (c) You knowingly represented the work of other persons as your own. You knowingly included in your submission ideas and the expressions of ideas that were not your own, but those of another person, were the ideas, expressions of ideas, and verbatim or nearly verbatim text of another person, which you did not acknowledge. For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in the course

HIS340

- (a) On or about April 18, 2020, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in the final examination that you submitted for academic credit in HIS340H5S, 2020(1), contrary to section B.I.1(d) of the Code. (Charge No. 5)
- (b) In the alternative to the above charges, 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 a term paper that you submitted in HIS340H5S, 2020(1), contrary to section B.I.3(b) of the Code. (Charge No. 6)

Particulars

5. The particulars of the offences charged (Charge No. 5 and 6) are as follows:
- (a) HIS340 was taught by Chris Petrakos. The course requirements included that you complete an examination for academic credit, which was worth 40% of the final grade.
 - (b) On April 18, 2020, you wrote the final examination in HIS340. In your examination answers, you included verbatim and nearly verbatim text from the *Encyclopaedia Britannica* without proper attribution.
 - (c) You knowingly represented the work of another person as your own. You knowingly included in your submission ideas and the expressions of ideas that were not your own, but those of another person, were the ideas, expressions of ideas, and verbatim or nearly verbatim text of another person, which you did not acknowledge. For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism.

Agreed Statement of Facts

6. The hearing proceeded on the basis of an Agreed Statement of Facts (“ASF”). The key portions are summarized here.

The Student's Academic History

7. The Student first registered as a student at the University of Toronto Mississauga (“UTM”) in Fall 2016. At all material times, she remained a student at the University.
8. In Fall 2019, the Student enrolled in HIS221H5F: Themes in Medieval History – A Game of Thrones: Politics in Medieval Europe and Beyond which was taught by Simon Beaulieu (“HIS221”). The Student admits that she received a copy of the syllabus for HIS221.

HIS221H5F: Themes in Medieval History – A Game of Thrones: Politics in Medieval Europe and Beyond

9. The HIS221 syllabus directed students to the Academic Integrity website and outlined the HIS221 tutorial content. The first tutorial of HIS221 was dedicated to teaching students about primary sources and proper essay formatting. Mr. Beaulieu instructed students in HIS221 to never use Wikipedia as a source and that all quotes, paraphrases, and arguments had to be cited.

10. The academic requirements for HIS221 included an essay assignment, which was worth 20% of the final grade in HIS221.

11. On December 4, 2019, the Student submitted her essay on the topic of the Investiture Controversy (“HIS221 Essay”) through Turnitin. She did so in partial completion of the requirements of the Course, and for the purpose of receiving academic credit.

12. The Turnitin originality report indicated that the HIS221 Essay was 31% similar to other sources contained in the Turnitin database.

13. Mr. Beaulieu reviewed the HIS221 Essay. He found that multiple passages and ideas matched verbatim or near verbatim to the Wikipedia entry on the Investiture Controversy, without attribution.

14. On February 11, 2020, the Department of Historical Studies referred the matter to the UTM Office of the Dean.

HIS211H5S: Screening History

15. In Winter 2020, the Student enrolled in HIS211H5S: Screening History, which was taught by Alison MacAulay (“HIS211”). The Student admits that she received a copy of the syllabus for HIS211.

16. The HIS211 syllabus stated, in part, as follows:

All written work must be your own. Be sure to reference all your sources fully and conscientiously; presenting the work or ideas of others as your own constitutes plagiarism, which is treated as academic misconduct. Punishment for academic misconduct can range from a zero on the assignment to failure of the course or suspension from the university. For further information and advice, see the below links:

The Code of Behaviour on Academic Matters

<http://www.governingcouncil.utoronto.ca/policies/behaveac.htm>

Margaret Proctor's "How Not To Plagiarize"

<http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize>

Student's Rights & Responsibilities Series

http://www.utoronto.ca/academicintegrity/Academic_integrity.pdf

17. The academic requirements for HIS211 included an essay assignment, which was worth 25% of the final grade in HIS211.
18. The Student was granted an extension for the HIS211 essay assignment. Ms. MacAulay also offered the Student an additional extension, which she declined.
19. On April 3, 2020, the Student submitted her essay on the topic of Holocaust films ("HIS211 Essay"). She did so in partial completion of the requirements of HIS211 and for the purpose of receiving academic credit.
20. When reviewing the Student's HIS211 Essay, Ms. MacAulay noted multiple instances where she suspected that the Student had not written the words herself due to the language that was used. Ms. MacAulay discovered that several full sentences of the HIS211 Essay were taken verbatim or near verbatim from outside sources, without the use of quotation marks. She also found some instances where ideas in the HIS211 Essay were not properly referenced.
21. On April 15, 2020, the Department of Historical Studies referred the matter to the UTM Office of the Dean.

HIS340H5S: The European Reformation, c. 1450-1600

22. In Winter 2020, the Student enrolled in HIS340H5S: The European Reformation, c. 1450-1600, which was taught by Professor Chris Petrakos ("HIS340"). The Student admits that she received a copy of the syllabus for HIS340.

23. The HIS340 syllabus stated, in part, as follows:

Academic integrity is essential to the pursuit of learning and scholarship in a university, and to ensuring that a degree from the University of Toronto is a strong signal of each student's individual academic achievement. As a result, the University treats cases of cheating and plagiarism very seriously. The University of Toronto's Code of Behaviour on Academic Matters (<http://www.governingcouncil.utoronto.ca/policies/behaveac.htm>) outlines the behaviours that constitute academic dishonesty and the processes for addressing academic offences. Potential offences include, but are not limited to:

[...]

On tests and exams:

1. Using or possessing unauthorized aids.

[...]

For more information on plagiarism, see:

<http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize>
<http://www.governingcouncil.utoronto.ca/policies/behaveac.htm>

24. The academic requirements for HIS340 included a take-home final exam ("HIS340 Exam"), which was worth 40% of the final grade in HIS340. The HIS340 Exam was due on April 18, 2020.

25. The Student admits that she received a copy of the HIS340 Exam and its instructions. The instructions stated, in part, as follows:

Academic integrity:

Academic integrity is emerging as the most significant barrier to student success in the wake of COVID-19 and putting classes online. There is no "outside research" for this assignment and relying on any information that was not provided in class or in the assigned reading is absolutely forbidden. Incorporation of outside research into any exam questions will result in a zero mark for the entire exam.

Please consult the following link for the official UofT policy on academic integrity:
<https://www.academicintegrity.utoronto.ca>

26. On April 18, 2020, the Student submitted her HIS340 Exam through Turnitin. She did so in partial completion of the requirements of HIS340, and for the purpose of receiving academic credit.
27. The Turnitin originality report indicated that the HIS340 Exam was 29% similar to other sources contained in the Turnitin database.
28. Professor Petrakos reviewed the HIS340 Exam and found that some sentences were very similar to entries on the online Encyclopaedia Britannica. The Student did not cite the Encyclopaedia Britannica on her HIS340 Exam.
29. On April 24, 2020, the Department of Historical Studies referred the matter to the UTM Office of the Dean.

Dean's Meeting and admissions for the purposes of the Tribunal hearing

30. On April 30, 2020, the Student met with Professor Michael Georges, Dean's Designate for Academic Integrity at UTM. The Student was accompanied by counsel. The Student acknowledges that Professor Georges provided her with the Dean's warning contained in the Code.
31. During the meeting, the Student admitted that she has plagiarized each of the HIS221 Essay, the HIS211 Essay, and the HIS340 Exam.
32. The Student admits that:
 - (a) in the HIS221 Essay, HIS211 Essay, and HIS340 Exam, she knowingly represented the ideas of another person, the expression of the ideas of another person, and the work of another person as her own.
 - (b) she knowingly committed plagiarism contrary to section B.I.1(d) of the

Code.

- (c) she knew or ought to have known that she 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 HIS221 Essay, HIS211 Essay, and HIS340 Exam, contrary to section B.I.3(b) of the Code.

Decision of the Tribunal on the Charges

33. The onus is on the University to establish on the balance of probabilities, using clear and convincing evidence, that one or more of the academic offences charged has been committed by the Student.

34. In this case, the Student admitted and pled guilty to all six charges. The Tribunal was satisfied that the Student's admissions were voluntary, informed and unequivocal. Further, the evidence contained in the ASF and supporting documentation provided a clear evidentiary basis for a finding of guilt.

35. Following deliberations and based on the ASF and its supporting documentation, the Tribunal concluded that Charge Nos. 1, 3, and 5 had been proven with clear and convincing evidence on a balance of probabilities and accepted the guilty plea of the Student in respect of those three charges. The Tribunal was advised that if the Student is convicted on Charge Nos. 1, 3, and 5, the University would withdraw the alternative Charge Nos. 2, 4, and 6.

Submissions on Penalty

36. The University and the Student submitted an ASF and a Joint Submission on Penalty ("JSP"). In the JSP, the parties submitted that the Tribunal should impose the following sanctions on the Student:

- a) a final grade of zero in HIS221H5F, HIS211H5S, and HIS340H5S;

- b) a suspension from the University from the date the Tribunal makes its order to September 1, 2024; and
- c) a notation of the sanction on the Student's academic record and transcript from the date the Tribunal makes its order to September 1, 2024.

37. The parties also submitted that this case shall be reported to the Provost of the University of Toronto (the "Provost") for publication of a notice of the decision of the Tribunal and the sanction imposed, with the name of the Student withheld.

Decision of the Tribunal on Penalty

38. The Tribunal is aware of the value in respecting and deferring to joint submissions on penalty. As the Discipline Appeals Board determined in *The University of Toronto and M. A.* (Case No. 837 - Appeal, December 22, 2016), the threshold to reject a joint submission on penalty "may be rejected by a panel only in circumstances where to give effect to it would be contrary to the public interest or would bring the administration of justice into disrepute" (para 24).

39. In the Panel's view, the joint submission in this case is reasonable. The Tribunal considered the factors and principles relevant to sanction set out by this Tribunal in *University of Toronto and Mr. C* (Case No. 1976/77-3, November 5, 1976), namely the character of the Student, the likelihood of repetition of the offence, the nature of the offence committed, any extenuating circumstances surrounding the commission of the offence, the detriment to the University occasioned by the offence, and the need to deter others from committing similar offences (at p. 12).

40. In this case, the Tribunal considered in particular the serious nature of the offence and the fact that this was not the Student's first academic offence. As reflected in the JSP, the Student had previously been sanctioned once in the past for plagiarizing an assignment worth 20% of the final grade. Balanced against these factors are the Student's cooperation in the process and entry into the ASF and JSP, which demonstrate insight and that she is taking responsibility for her actions. She admitted guilt at her Dean's

Meeting and has expressed that she is remorseful for her actions. She also experienced personal challenges during the period leading up to and including the commission of the offences as a result of two car accidents, one involving her parents, and another involving herself. The former of these required her to take on full-time work to support her family, and both have had a significant emotional impact on her.

41. Having regard to the above, and based on its review of similar cases presented by counsel, the Panel agreed that the recommended sanctions are reasonable in the circumstances, and made the following order:

- a) The Student is guilty of three counts of the academic offence of plagiarism, contrary to section B.I.1(d) of the Code.
- b) the following sanctions shall be imposed on the Student:
 - i. a final grade of zero in HIS221H5F, HIS211H5S, and HIS340H5S;
 - ii. a suspension from the University from the date of this order to September 1, 2024; and
 - iii. a notation of the sanction on his academic record and transcript from the date of this order to September 1, 2024.
- c) 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 27th of May, 2021,



Sabrina A. Bandali, Chair
On behalf of the Panel