

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic misconduct filed on June 1, 2021,

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:

UNIVERSITY OF TORONTO (the “University”)

- and -

██████ S ██████ (the “Student”)

REASONS FOR DECISION

Hearing Date: September 1, 2021, via Zoom

Members of the Panel:

Ms. Cynthia Kuehl, Chair
Professor Ken Derry, Faculty Panel Member
Ms. Alena Zelinka, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Ms. Janette Clough-Jones, Counsel for the Student, Coghiel & Associates

In Attendance:

The Student

Hearing Secretary:

Ms. Nadia Bruno, Special Projects Officer, Office of the Appeals, Discipline and Faculty Grievances

1. This hearing of the trial division of the University Tribunal convened on September 1, 2021, via Zoom, to consider charges of academic dishonesty brought by the University against the Student under the *Code of Behaviour and Academic Matters, 1995* (the “Code”). The charges of academic misconduct were filed by the University on June 1, 2021. The Student acknowledged that she received a copy of the Charges, and waived reading of them for the purpose of the hearing.

The Charges

2. At the material times, and since Fall 2016, the Student was a registered student at the University of Toronto.
3. In the Charges, the University made the following allegations:
 - (i) On or about April 18, 2021, the Student knowingly represented as her own an idea or an expression of an idea and/or the work of another in the final paper she submitted for academic credit in PSY430H1S (20211) (the “Course”), contrary to section B.I.1(d) of the *Code*; and
 - (ii) In the alternative to Charge #1, the Student knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation otherwise described in the *Code* in order to obtain academic credit or other academic advantage of any kind in connection with the final paper she submitted in the Course, contrary to section B.I.3 (b) of the *Code*.
4. Detailed particulars in support of the allegations were provided in the Charges.
5. The University advised that it would withdraw allegation two if findings were made on allegation one.

The Evidence

6. The Panel received evidence in the form of an Agreed Statement of Facts (“ASF”) signed by the Student on June 28, 2021 and by counsel for the University on July 5, 2021. Pursuant to the ASF, the Student acknowledged that she had knowingly represented the ideas of another person, the expression of the ideas of another person and the work of another person as her own, thereby knowingly committing plagiarism contrary to section B.I.1(d) of the Code in respect of the final paper she submitted in the Course.
7. The Student enrolled in the Course taught by Dr. Felix Cheung in Winter 2021. The academic requirements for the Course included a final paper assignment, worth 30% of the final grade.

8. On April 18, 2021, the Student submitted her final paper titled “Rural-Urban Differences in Health & Functional Disability Among Older Population in India” (the “Final Paper”). Upon review of the Final Paper, Dr. Cheung found that almost all of it was taken verbatim or nearly verbatim from an article titled “Urban-Rural Differences in Health Status Among Older Population in India” written by Joemet Jose (the “Jose Article”). The Student did not cite the Jose Article in the Final Paper.
9. A detailed comparison of the Jose Article with the Final Paper confirmed that the Final Paper was verbatim or nearly verbatim the Jose Article. A review of the annotated text of each confirms that there is little difference between the two and indeed it appears that the Student largely copied the Jose Article in its entirety without attribution.
10. On May 12, 2021, following referral of the allegations to Student Academic Integrity, the Student met with the Dean’s Designate for Academic Integrity. At that meeting, the Student admitted she knowingly plagiarised the Final Paper she submitted in the Course.

Decision of the Tribunal on Charges

11. Having considered the ASF and upon hearing the submissions of counsel, the Panel found that the Student committed an academic offence in that she represented as her own an idea and/or work of another in the respect to the Final Paper in the Course. The Panel noted the Student admitted that she had engaged in plagiarism.
12. As a result, the Panel found that the University had established allegation one of the Charges.
13. Having been advised of these findings, the University withdrew allegation two.

Penalty

14. The University and the Student advised that they had agreed to a Joint Submission on Penalty (“JSP”), pursuant to which the Tribunal would impose the following sanctions on the Student:
 - (a) A final grade of zero in PSY430H1S (20211);
 - (b) A suspension from the University for five years from the date of the Tribunal’s order; and

- (c) A notation of the offence on the Student's academic record for six years from the date of the Tribunal's order.
15. The University and the Student further agreed that the case should 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.

The Evidence on Penalty

16. The University and the Student provided a further Agreed Statement of Facts on Penalty, setting out facts relevant to that issue. These facts were predominantly that the Student had been sanctioned on four previous occasions for academic offences.
17. In particular, the evidence in the Agreed Statement of Facts on Penalty established that the Student had committed four previous academic offences as follows:
- (a) In Fall 2016, the Student committed plagiarism in an assignment worth 4% of the final grade in ANT100Y1Y, for which the Department of Anthropology imposed a grade of zero on the assignment in question;
 - (b) In Winter 2019, the Student committed plagiarism and concocted references in an assignment worth 30% of the final grade in PSY326H1S. The Dean's Designate imposed a grade of zero in that course and an 11.5-month notation on the Student's academic record and transcript;
 - (c) In Summer 2019, the Student committed plagiarism and concocted references in an assignment worth 30% of the final grade in PSY333H1S, for which the Dean's Designate imposed a grade of zero in that course, a four-month suspension and an 11.5-month notation on the Student's academic record and transcript; and
 - (d) In Winter 2019, the Student committed plagiarism on an assignment worth 35% of her final grade in RLG208H1S for which she received a grade of zero on the assignment and a 12-month notation on her academic record and transcript.
18. In each of these cases, the Student received a sanction either at the Department or Dean's Designate level, and accordingly there was no referral to the Tribunal.

Decision of the Tribunal and Penalty

19. The Panel heard submissions regarding the appropriateness of the penalty and reviewed the relevant past decisions of the Tribunal submitted by the parties. The Panel noted that, pursuant to the jurisprudence regarding joint submissions, the Panel ought not to impose a different penalty than agreed to by the parties unless to do so would bring the administration of the Tribunal into disrepute or be contrary to the public interest. As noted by the Discipline Appeals Board in *University of Toronto and M.A.* (Case No. 837; dated December 22, 2016) at para 25, “this test...means that the joint submission must be measured against the understood and entrenched values and behaviours which members of the University community are expected to uphold. Only if the joint submission is fundamentally offensive to these values, may it be rejected.”
20. The Panel found that this test was not met in the circumstances of this case.
21. In doing so, the Panel carefully considered the factors set out in the *University of Toronto and Mr. C.* (File Number 1976/77-3; dated November 5, 1976), as follows:

(a) The character of the Student

The multiple instances of plagiarism were of concern to the Tribunal. Both counsel for the University and counsel for the Student noted that the Student had demonstrated insight and remorse since the beginning of this process. Counsel for the Student further advised that the Student was obtaining therapy to deal with her coping skills, and would be learning from her experiences. This remorse and the prospect of rehabilitation mitigated against a more severe penalty.

(b) The likelihood of a repetition of the offence

The Student has a prior record of four academic offences. While both the University and the Student emphasized her remorse, there remains concern about possible future repetition. A significant period of suspension was appropriate to guard against the likelihood of repetition of offence in future.

(c) The nature of the offence committed.

Plagiarism is a very significant academic offence and one that the Panel finds was very deliberately engaged in here, given the extensive duplication of the Jose Article in the Final Paper. The University must be able to trust that students complete research and work on their own or provide proper citations as part of the University’s accreditation process.

(d) Any extenuating circumstances surrounding the commission of the offence

While the Student did admit guilt with respect to the plagiarism charges at an early opportunity, there is no explanation as to why she engaged in that conduct.

(e) The detriment to the University occasioned by the offence

The integrity of the University, and the values of the degrees it confers, is affected when students engage in academic misconduct. This has potential impacts on the University's reputation in the community and on the other students who graduate from it.

(f) The need to deter others from committing a similar offence

General deterrence is an important factor in this case. Plagiarism continues to be a significant academic offence and one that comes before the Tribunal with some regularity. In addition, there is a need for specific deterrence in this case given the gravity and the repeat nature of the offence.

22. The determination of an appropriate penalty depends on the assessment of the principles and factors in light of the individual circumstances in this case. There should also be a general consistency in the approach of a Panel to sanction, so that students are treated fairly and equitably. Accordingly, in addition to the factors reviewed above, the Panel carefully considered the reasonable range of penalty dispositions as set out in the various authorities put before it by the parties.
23. The Panel understood that this was the first time that the Student had attended before the Tribunal with charges of academic misconduct. Typically, when a student attends for the first time before the Tribunal, a suspension of a shorter time period is ordered. As pointed out by counsel for the University in his submissions, typically on a second or third offence, the student would receive a zero in the course and a three-year suspension.
24. In this case, the Student had the benefit of all of her cases being resolved at an earlier level. There are good institutional reasons to encourage early resolution to permit the rehabilitation of academic records by a student. However, because the Student had the benefit of cases resolved at the Divisional level, she avoided charges before this Tribunal and the real likelihood of a previous lengthier suspension.
25. Given the history of four previous offences, a significant penalty is warranted in this case. The chart cases provided in the Joint Book of Documents demonstrates that, where there

has been a repeated conduct, as there has been here, the length of suspension is increased and that a suspension of five years falls within the reasonable range of dispositions.

26. Having regard to the cases presented, the submissions of the parties, and in light of the relevant factors outlined below, the Panel agreed that the JSP was appropriate in the circumstances and that its imposition would not bring the administration into disrepute nor be contrary to the public interest.
27. Accordingly, at the conclusion of the hearing, the Panel made the following order:
- (i) **THAT** the Student is guilty of one count of the academic offence of plagiarism, contrary to section B.I.1(d) of the *Code of Behaviour and Academic Matters*;
 - (ii) **THAT** the following sanctions shall be imposed on the Student:
 - (A) a final grade of zero in PSY430H1S (20211);
 - (B) a suspension from the University for five years from the date of this order; and
 - (C) a notation of the sanction on her academic record and transcript for six years from the date of this order.
 - (iii) **THAT** this case 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 3rd day of November 2021.

Original signed by:

Cynthia Kuehl, Chair
On behalf of the Panel