

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on June 17, 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 amended S.O. 1978, c. 88.

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

S [REDACTED] S [REDACTED]

REASONS FOR DECISION

Date of Hearing: September 16, 2021, via Zoom

Members of the Panel:

Ms. Erin Dann, Chair

Professor Glen Jones, Faculty Panel Member

Ms. Madison Kerr, Student Panel Member

Appearances:

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

Hearing Secretary:

Ms. Carmelle Salomon-Labbé, Associate Director, Office of Appeals, Discipline and Faculty Grievances, University of Toronto

Not in Attendance:

Ms. S [REDACTED] S [REDACTED]

Charges and Hearing

1. This Panel of the University Tribunal held a hearing, by Zoom, on September 16, 2021, to consider the charges brought by the University of Toronto (the “University”) against S ■■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 1995*.
2. The charges against the Student are as follows:
 - (a) On or about June 10, 2020, the Student knowingly represented as her own an idea or expression of an idea and/or the work of another in the research paper she submitted for academic credit in the SOC301H5F (“Course”), contrary to section B.I.1(d) of the *Code*.
 - (b) In the alternative, that the Student 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 research paper submitted in the Course, contrary to section B.I.3(b) of the *Code*.
3. In brief, the allegations are as follows: At the material times, the Student was a registered student at the University of Toronto and was enrolled in the Course. On June 10, 2020, the student submitted a research paper worth 30% of the final grade. In the paper, the Student included verbatim and nearly verbatim excerpts from several sources without proper attribution.
4. The Student did not appear at the hearing but corresponded with Mr. Centa prior to the hearing. The Student and Mr. Centa, on behalf of the University, were able to reach an agreement and the hearing proceeded on the basis of an Agreed Statement of Facts (“ASF”) and Joint Submission on Penalty (“JSP”). In the circumstances, the Student, who resides in a different time zone, requested that the hearing be conducted in her absence.
5. Pursuant to sections 6 and 7 of the *Statutory Powers Procedure Act* (the “Act”), and rule 17 of the *University Tribunal Rules of Practice and Procedure* (the “Rules”), where reasonable notice of an oral hearing has been given to a party in accordance with the Act and the party does not attend at the hearing, the Tribunal may proceed in the absence of the party, and the party is not entitled to any further notice of the proceeding.
6. In the ASF signed by the Student, she expressly acknowledged receiving notice of the hearing and requested that it proceed in her absence. The Student stated that she was aware that the Tribunal may find her guilty of academic misconduct and may impose a penalty greater than that set out in the joint submission on penalty.
7. In the circumstances, and given the joint request of the University and the Student, the Tribunal exercised its discretion to proceed with the hearing in the absence of the Student.
8. The Panel reviewed the ASF and the documents filed confirming the facts set out in the ASF before and during the course of the hearing. A summary of the agreed facts follows.

Evidence and Findings

9. During the summer term of 2020, the Student was enrolled in SOC301H5F “Canadian Prisons” (the “Course”), which was taught by Alexandra Hunter.
10. All students in the Course were required to submit a research paper worth 30% of their final grade. The paper required students to write 6-8 pages critically analyzing an issue related to Canadian corrections.
11. In the Course syllabus, Professor Hunter included a section titled “Academic Integrity,” which warned students that plagiarism would not be tolerated in the Course. She informed students that they were expected to cite all sources referenced in their work and included links to academic integrity resources that contained information on how to avoid plagiarism and how to properly cite sources in written work.
12. The Student submitted her research paper on June 10, 2020.
13. Turnitin.com software detected that the Student’s essay included several verbatim and nearly verbatim passages from two sources, included in the Student’s list of works cited, without proper citation or attribution.
14. Professor Hunter reviewed the Student’s essay and the two sources. She determined that the Student included several verbatim and nearly verbatim passages from the sources in her essay. The Student did not put these passages in quotation marks and did not otherwise indicate that the passages were the verbatim work of another author.
15. A copy of the Student’s paper and the sources were both attached as exhibits to Professor Hunter’s affidavit.
16. The Student acknowledged in the ASF that she committed plagiarism when she submitted her research paper without proper attribution.
17. Following deliberations and based on the admissions made by the Student, the ASF and the supporting materials, the Panel concluded that the first charge had been proven with clear and convincing evidence on a balance of probabilities, and accepted the guilty plea of the Student in respect of that charge. The Panel was advised that if the Tribunal convicted the Student on those charges, the University would withdraw Charge 2 (the alternative charge) and that charge was so withdrawn.

Penalty

18. The Student and University submitted a Joint Submission on Penalty (“JSP”) in support of the following penalty:
 - (a) A final grade of zero in the Course;
 - (b) A suspension from the University for a period of three years beginning October 1, 2021; and

- (c) A notation of the sanction on her academic record and transcript for four years from the day the Tribunal made its order.
19. The parties also submitted 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.
 20. As the Tribunal has stated in many cases, absent exceptional circumstances, panels are expected to accept and implement joint statements on penalty. As set out in the Discipline Appeals Board decision in *The University of Toronto and M. A.* (Case No. 837, December 22, 2016), 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 25).
 21. In the Panel’s view, the joint submission in this case is neither contrary to the public interest, nor would it bring the administration of justice into disrepute. In arriving at this decision, the Panel took into consideration the nature of the offence, the detriment to the University occasioned by the offence, the need to deter other students from acting in a similar manner, the character of the Student, and the circumstances surrounding the commission of the offence. The penalty proposed falls squarely within the range of penalties imposed in other similar cases.
 22. This is a serious offence. Plagiarism diminishes the relationship of trust between the University and its students, and it undermines the evaluative process fundamental to the academic setting.
 23. Moreover, this was not the Student’s first academic offence. She was found to have committed plagiarism twice before. On those occasions, the matter was resolved by the Dean’s Designate and did not reach the Tribunal. The most recent prior finding was made on August 5, 2016. The Student received a grade of zero in the relevant course, was suspended for 12 months and had a notation placed on her transcript for 18 months. Given that the Student had been sanctioned in relation to plagiarism previously, her failure to properly reference the sources in her essay cannot be characterized as a one-time lapse in judgment.
 24. That said, there are also important mitigating factors to consider. The Student admitted guilt and entered into the ASF and JSP. These actions demonstrate insight and remorse. Furthermore, the Student was experiencing health issues at the time of the offence.
 25. Finally, while all acts of plagiarism are serious, within the range of conduct captured by this academic offence, the Student’s actions in this case were towards the relatively low end.
 26. In all of the circumstances, and having reviewed the cases provided by the parties in support of the JSP, at the conclusion of the hearing, the Panel issued the following Order, which is hereby confirmed:

- (a) **THAT** the Student is found guilty of one count of plagiarism contrary to section B.I.1(d) of the *Code of Behaviour on Academic Matters*;
- (b) **THAT** the Student receive a final grade of zero in SOC301H5F;
- (c) **THAT** the Student be suspended from the University for three years commencing October 1, 2021;
- (d) **THAT** a notation be placed on the Student's academic record and transcript for four years from the date of the order; and
- (e) **THAT** this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the name of the Student withheld.

Dated at Toronto this 9th day of December, 2021.

Original signed by:

Erin Dann, Chair

On behalf of the Panel