

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic misconduct filed on May 26, 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

- and -

A [REDACTED] S [REDACTED]

REASONS FOR DECISION

Hearing Dates: June 15, 2022, and July 22, 2022, via Zoom

Panel Members:

Ms. Michelle S. Henry, Chair
Professor George Cree, Faculty Panel Member
Ms. Samantha Chang, Student Panel Member

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Mr. Ahmed Elahi, Articling Student, Paliare Roland Rosenberg Rothstein LLP
Ms. Carla Luna, Clerk, Paliare Roland Rosenberg Rothstein LLP

Mr. Justin Nathens, Student Representative, Downtown Legal Services (attended on July 22, 2022, only)

Ms. A [REDACTED] S [REDACTED]

Hearing Secretary:

Ms. Krista Kennedy, Administrative Clerk and Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances (June 15, 2022)
Ms. Carmelle Salomon-Labbé, Associate Director, Office of Appeals, Discipline and Faculty Grievances (July 22, 2022)

BACKGROUND

1. A Hearing of the Trial Division of the University Tribunal convened on June 15, 2022, to consider charges of academic dishonesty 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 May 26, 2021, from Professor Heather Boon, Vice-Provost, Faculty & Academic Life.
2. The June 15, 2022 hearing was adjourned during the penalty phase, as the self-represented Student no longer agreed with the Joint Submission on Penalty (“JSP”). On July 22, 2022, a continuation hearing took place. The Student was represented by Downtown Legal Services.

THE CHARGES

3. At all material times, the Student was a registered student in the Faculty of Arts & Science at the University of Toronto. The University alleges that the Student engaged in the following offences:
 - i. On or about April 4, 2020, the Student knowingly represented as her own an idea or expression of an idea or work of another in an essay titled “What caused the Iran Iraq War?” (“Essay”) that she submitted in HIS103Y1Y - Statecraft and Strategy: An Introduction to the History of International Relations (“Course”), contrary to section B.I.1(d) of the Code.
 - ii. On or about April 4, 2020, the Student knowingly submitted academic work containing a purported statement of fact or reference to a source which has been concocted in her Essay that she submitted in the Course, contrary to section B.I.1(f) of the Code.
 - iii. In addition and in the alternative to charges 1 and 2, 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 your Essay, contrary to section B.I.3(b) of the Code.

- iv. On or about April 22, 2020, the Student knowingly represented as her own an idea or expression of an idea or work of another in an essay titled “What caused the Iran Iraq War?” (“Revised Essay”) that she submitted in the Course, contrary to section B.I.1(d) of the Code.
- v. On or about April 22, 2020, the Student knowingly submitted academic work containing a purported statement of fact or reference to a source which has been concocted in her Revised Essay that she submitted in the Course, contrary to section B.I.1(f) of the Code.
- vi. On or about April 22, 2020, 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 her Revised Essay, contrary to section B.I.3(b) of the Code.

AGREED STATEMENT OF FACTS

- 4. The Hearing proceeded based on an Agreed Statement of Facts (“ASF”). The Panel also received a Joint Book of Documents (“JBD”) that is referred to in the ASF. The following is an abridged version of the ASF.
- 5. The Student registered as a student at the University of Toronto, Faculty of Arts & Science in Fall 2020. As of June 6, 2022, the Student had earned 4.0 credits with a Cumulative GPA of 1.01. The Student was suspended for one year from the end of the 2021 Winter term as a result of her low CGPA.
- 6. In Fall 2019 and Winter 2020, the Student enrolled in HIS103Y1Y - Statecraft and Strategy: An Introduction to the History of International Relations (the “Course”), a full year course taught by Professor Vasilis Dimitriadis and Professor Timothy Sayle.

7. The Course syllabus included a section on “Plagiarism and Academic Integrity.” This section stressed the importance of avoiding plagiarism on written assignments and directed students to the Code for definitions of conduct that constituted academic dishonesty. The Course syllabus also informed students that they were expected to submit written assignments to [Turnitin.com](https://www.turnitin.com) for review of textual similarity and detection of possible plagiarism.
8. Students in the Course were required to submit a 7-page paper for 25% of their grade in the Course. The due date for this assignment was March 27, 2020.
9. On April 4, 2020, the Student submitted her paper titled “What caused the Iran Iraq War?” to [Turnitin.com](https://www.turnitin.com) as required (“Essay”). [Turnitin.com](https://www.turnitin.com) detected that the Essay had a similarity index of 43% to numerous source documents.
10. The Head Teaching Assistant in the Course (the “T.A.”), sent a message to the Student in Canvas to ask her to provide an explanation for the high degree of similarity with the external source documents identified by Turnitin, as follows:

As you can see by looking over your essay and the Turnitin report, the similarity index is very high at 43%, and there are a number of passages used in the essay without quotation marks that are almost identical, save one or two words, to the passages found in the source material. There are many passages where text has been copied word for word for a source that was not listed in the corresponding footnote. To illustrate, a passage on page 2 copied text from the website: <https://newyorkessays.com/essay-iran-iraq-war-causes-and-consequences/>, but in the footnote, the paper cites: RAZOUX, PIERRE, and Nicholas Elliott. "Table of Contents." In *The Iran-Iraq War*, Ix-X. (Cambridge, Massachusetts; London, England:

Harvard University Press, 2015.) .p. 25-27. www.jstor.org/stable/j.ctvj2vcj.2. Finally, the bibliography is very large and eclectic (consisting of 17 sources) even though there are only 10 endnotes in the paper.

As a first step, please respond to this email by explaining why this has occurred. It would be helpful for you to attach any notes you made when researching and writing this paper. We will expect your email by Friday, April 24th at the latest.

11. The Student replied to the T.A. on April 22, 2020 as follows:

There was a mix in my essay submission. At first, I sent my draft by accident where none of my work was properly cited or paraphrased, and then I acknowledged that late and resent it but the problem was that I named two of my easy the same even though one was not the edited version. Yes, I have used the New York sample essay and I did cite it. I should have rechecked my submission but I did not.

12. In her April 22, 2020 email to the T.A., the Student included a link to a document called “his 103 essay 2 [Student’s first name] edited.docx” (“Revised Essay”).
13. Professor Dimitriadis reviewed the Student’s Essay to assess the Turnitin similarity report. He reviewed the sources identified by Turnitin and confirmed that there were passages in the assignment that were taken verbatim or nearly verbatim from external sources, including articles and websites, without proper attribution. In particular, the Student’s Essay contains passages from at least four sources (the “Sources”).
14. Professor Dimitriadis also reviewed the references cited by the Student in her footnotes, and concluded that the references cited in footnotes 1, 2 and 10 of the Essay did not contain the words or ideas to which they were cited in the body of the Essay.
15. The Revised Essay submitted by the Student on April 22 after the Turnitin similarity index for her Essay had been brought to her attention showed considerable similarity with the original Essay; but certain passages had been edited and revised. Some of the citations were changed; but incorrect citations that had been identified in the original Essay remained as incorrect citations in the Revised Essay. Further, a number of passages that had been flagged as plagiarized in the Essay were unchanged in the Revised Essay, so that the text of the Revised Essay for these passages remained virtually the same as the text from the Sources.
16. Professor Dimitriadis met with the Student on April 22, 2020, after which he forwarded the file to the Office of Student Academic Integrity. The Student did not respond to requests to meet with the Dean’s Designate.

Admissions and Acknowledgements

17. The Student admits and acknowledges that:

- a. She knowingly submitted her Essay.
- b. She knowingly committed plagiarism by submitting her Essay on April 4, 2020, and her Revised Essay on April 22, 2020, both of which contained verbatim and nearly verbatim text without appropriate attribution, contrary to section B.I.1(d) of the Code.
- c. She knowingly submitted academic work containing a purported statement of fact or reference to a source, which has been concocted in each of her Essay and Revised Essay contrary to section B.I.1(f) of the Code.
- d. 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 Essay and again with the Revised Essay, contrary to section B.I.3(b) of the Code.

FINDINGS ON CHARGES

18. Following deliberations and based on the ASF and the JBD, the Panel concluded that charges 1 and 2 were proven on a balance of probabilities. The Student knowingly represented as her own an idea or expression of an idea or work of another in the Essay, contrary to section B.I.1(d) of the Code; and, the Student knowingly submitted academic work containing a purported statement of fact or reference to a source which has been concocted in the Essay, contrary to section B.I.1(f) of the Code. The Panel accepted the guilty pleas of the Student in respect of these charges.
19. The Panel was advised that if the Tribunal convicts the Student on the above charges, the University would withdraw the alternative charges. Accordingly, the Panel makes no findings with respect to the alternative charges.

PENALTY

20. The University and the Student submitted a JSP recommending the following penalty:
 - a. A final grade of zero in HIS103Y1Y, 2020(1);
 - b. A suspension from the University for three years from June 15, 2022 to June 14, 2025; and
 - c. A notation of the offence on her academic transcript and record for four years from June 15, 2022 to June 14, 2026.
21. The parties also agreed that this case would 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.
22. Assistant Discipline Counsel provided submissions on the high threshold required for a Tribunal to deviate from the JSP. As set out in the Discipline Appeals Board decision in *The University of Toronto and S.F.* (Case No. 690, October 20, 2014), only truly unreasonable or “unconscionable” joint submissions should be rejected (para. 22).
23. 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.
24. With respect to her character, the Student’s admission of wrongdoing came early on. We noted the Student’s desire to have the issue resolved as soon as possible.
25. The Student had the opportunity to make submissions at the Hearing. The Panel accepted that the Student was under stress in her personal life, as she explained during the Hearing.

She recognized that her personal situation does not justify her error in judgement; but her comments provided the Panel with some insight into her personal circumstances.

26. The Panel also took into consideration the serious and deliberate nature of the offence and the detriment to the University. The University stressed the need to send a strong message of deterrence in order to communicate the seriousness of these offences.

27. Having regard to the above, and based on the review of similar cases provided by Counsel to the University, in the Panel's view, the joint submission in this case is reasonable. The Panel agrees that the recommended sanctions are appropriate.

DECISION OF THE PANEL

28. At the conclusion of the hearing, the Panel made the following order:

- a. **THAT** the Student is guilty of two counts of the academic offence of obtaining unauthorized assistance contrary to section B.I.1(b) of the Code and of two counts of concocted references contrary to section B.I.1(f) of the Code;
- b. **THAT** the following sanctions shall be imposed on the Student:
 - i. A final grade of zero in HIS103Y1Y, 2020(1);
 - ii. A suspension from the University for three years from June 15, 2022, to June 14, 2025; and
 - iii. A notation of the offence on her academic transcript and record for four years from June 15, 2022 to June 14, 2026.
- 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.

29. An Order was signed at the hearings on June 15, 2022, and July 22, 2022 by the Panel to this effect.

DATED at Toronto, 17 October, 2022.

Original signed by:
Michelle S. Henry, Chair
On behalf of the Panel