

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION**

Members of the Panel:

Melanie Aitken, Co-Chair

Scott Browning, Faculty Panel Member

Trisha Sankarsingh, Student Panel Member

IN THE MATTER of the *University of Toronto Act, 1971*, S.O. 1971, c. 56, as amended;

AND IN THE MATTER of the *University of Toronto Code of Behaviour on Academic Matters, 1995*;

AND IN THE MATTER of disciplinary charges against Ms. A.

Jacqueline Freeman for Ms. A.

Lily I. Harmer, Assistant Discipline Counsel, for the University

BACKGROUND

[1] The Trial Division of the University Tribunal was convened on August 18, 2004 to consider two charges brought under the *Code of Behaviour on Academic Matters, 1995* laid against Ms. A. by letter dated May 20, 2003 from the Deputy Provost and Vice-Provost, Faculty, as he then was, Professor Vivek Goel:

1. On or about December 12, 2002 you did knowingly represent as your own, an idea or expression of an idea, and/or work of another in connection with a form of academic work, namely, in a research paper submitted to fulfil course requirements in GRK440H1F, contrary to Section B.I.1.(d) of the *Code of Behaviour on Academic Matters, 1995*. Pursuant to Section B of the *Code* you are deemed to have acted knowingly if you ought reasonably to have known that you represented as your own, an idea or expression of an idea or work of another.
2. In the alternative, on or about December 12, 2002, you knowingly engaged in a form of cheating, academic dishonesty or misconduct,

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fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind in a research paper submitted to fulfil course requirements in GRK440H1F contrary to Section B.I.3.(b) of the *Code of Behaviour on Academic Matters, 1995*. Pursuant to Section B of the *Code* you are deemed to have committed the offence knowingly if you ought reasonably to have known that you engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind.

[2] The particulars were provided in the same letter from Professor Goel:

1. At all material times you were a student in GRK440H1F taught by Professor A. Jones during the fall of 2002.
2. Portions of the research paper submitted in your name on December 12, 2002 were not written by you.

[3] At the commencement of the hearing, Ms. A. pled guilty to the first charge and the University withdrew the second alternative charge.

[4] The parties submitted an Agreed Statement of Facts, the details of which are summarized here:

- Ms. A. is a graduate student. In the fall session of 2002, she was permitted to enrol in GRK440H1F as part of her graduate program.
- GRK440H1F was a half credit course with a 4000 to 5000 word research paper due on the last day of classes. The research paper was worth 20% of the final grade.
- A substantial portion of the paper submitted by Ms. A. was not written by her, but was copied by her from a website.
- No quotations marks were used by Ms. A., nor any other form of attribution, to indicate that significant portions of the paper were not written by her, but rather were copied from the website. The website was not cited in footnotes or in the bibliography to the paper.

[5] The panel accepted Ms. A.s' plea and entered a verdict of guilty.

[6] The parties submitted a Joint Submission with Respect to Sanction in which they jointly recommended:

1. A grade of zero in the course GRK440H1 Plato II for the 2002 Fall academic session;
2. Suspension from the University for a period of two (2) years from May 15, 2003 to May 14, 2005;

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3. This sanction shall be recorded on the student's academic record and transcript for two (2) years from May 15, 2003 to May 14, 2005; and
4. The case should be reported to the Provost to publish a notice of the decision of the Tribunal and the sanction or sanctions imposed in the University newspapers, with the name of the student withheld.

[7] In support of the recommended sanction the parties put forward three factors summarized as follows:

- Ms. A. has cooperated with the prosecution before the Tribunal and has acknowledged her guilt;
- Ms. A. has not been enrolled at the University of Toronto since May 1, 2003;
- Ms. A. is enrolled as a student in the teacher's college of another university to begin her studies in September 2004. In order to apply for a teaching position in late May 2005, Ms. A. will have to submit her University of Toronto academic transcript with job applications.

REASONS FOR SANCTION
(Delivered Orally)

[8] We have, as a panel, carefully considered the submissions of both counsel for the University, Ms. Harmer, and counsel for the accused student, Ms. Freeman. In doing so, we have been mindful of the instructive comments memorialized in the written decision of The Honourable John Sopinka, then a member of the University Tribunal, in the Matter of the University of Toronto Code of Behaviour and an Appeal by Mr. C. (1976/77-03). In particular, we have directed our minds to what The Honourable John Sopinka characterized as the "classical components of enlightened punishment"; namely, "reformation, deterrence and protection of the public". Further, we attended to the criteria that The Honourable John Sopinka listed on page 13 of that decision, to the extent appropriate in this case given the limited evidence on circumstances.

[9] The panel acknowledges the significance of the guilty plea entered by Ms. A. this evening and the fact that the recommendations as to sanction were joint. As well, we acknowledge that the proposal was not at the "lighter" end of the spectrum and that, to some extent, it reflected the gravity and nature of the offence. Finally, we are sensitive to Ms. A.'s personal circumstances and her concern to be able to move forward professionally and academically.

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[10] For those reasons, subject to a recommendation that we will make in a moment with respect to paragraph 4 of the Joint Submission with Respect to Sanction, we as a panel accept and impose the sanctions set out in paragraphs 1, 3 and 4 of the Joint Submission.

[11] However, while the panel felt the recommended period of suspension was appropriate, the recommended starting date of that suspension was not, both from the perspective of this student's appreciation of the severity of this matter, involving as it did a graduate student, and the deterrence message to the community. In particular, this panel is concerned that the period of effective suspension be sufficient to send the appropriate message as to the gravity of this sort of offence, particularly in the context of a graduate student. Accordingly, in the exercise of our discretion and for the foregoing reasons, this panel has determined that the period of the suspension from the University should be one year but should not commence until Ms. A.'s acknowledgement of her responsibility for the conduct that is the subject of the charge in question; namely, on August 18, 2004.

[12] Finally, with respect to the publication in the University newspapers contemplated in paragraph 4 of the Joint Submission with Respect to Sanction, we recommend that the notice expressly refer to the fact that the suspension of one year commences on the date that this student acknowledged her responsibility.

[13] In summary, the Panel imposed the following sanctions:

1. A grade of zero in the course GRK440H1 Plato II for the 2002 Fall academic session;
2. Suspension from the University for a period of one (1) year from August 18, 2004 to August 17, 2005;
3. This sanction shall be recorded on the student's academic record and transcript for two (2) years from May 15, 2003 to May 14, 2005; and
4. The case should be reported to the Provost to publish a notice of the decision of the Tribunal and the sanctions imposed in the University newspapers, with the name of the student withheld and with a recommendation that the notice expressly refer to the fact that the suspension of one year commences on the date that this student acknowledged her responsibility.

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I certify that this is the decision of the panel:

"September 20, 2004"

Date

"Melanie Aitken"

Melanie Aitken

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