

UNIVERSITY OF TORONTO

UNIVERSITY TRIBUNAL

IN THE MATTER OF charges of academic dishonesty filed on October 29, 2019,

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:

THE UNIVERSITY OF TORONTO

- and -

A ■■■ J ■■■ (the “Student”)

REASONS FOR DECISION

Hearing Date: May 27, 2020 (in writing)

Members of the Panel:

Ms. Shantona Chaudhury, Chair

Professor Julian Lowman, Faculty Panel Member

Mr. Andrey Lapin, Student Panel Member

Appearances via written submissions:

Ms. Tina Lie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Mr. Jacob Millns, Downtown Legal Services, Representative for the Student

I - THE CHARGES AND THE HEARING

1. On May 27, 2020, this Panel of the University Tribunal convened in writing to consider the charges brought by the University of Toronto (the “**University**”) against the Student under the *Code of Behaviour on Academic Matters, 1995* (the “**Code**”).
2. The matter proceeded as a written hearing under Rule 47 of the *Rules of Practice and Procedure* to the parties’ joint request, which was granted by the Chair on April 27, 2020.
3. The Student was represented in this matter by Jacob Millns of Downtown Legal Services.
4. The charges against the Student are as follows:
 1. On or about February 6, 2019, you knowingly represented as your own an idea or expression of an idea or work of another in a paper you submitted in WSTD16H3 (the “Course”), contrary to section B.I.1(d) of the Code.
 2. In the alternative, on or about February 6, 2019, you knowingly obtained unauthorized assistance in connection with a paper that you submitted in the Course, contrary to section B.I.1(b) of the Code.
 3. In the further alternative, on or about February 6, 2019, 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 paper you submitted in the Course, contrary to section B.I.3(b) of the Code.
 4. On or about March 1, 2019, you knowingly represented as your own an idea or expression of an idea or work of another in a paper you submitted in the Course, contrary to section B.I.1(d) of the Code.

5. In the alternative, on or about March 1, 2019, you knowingly obtained unauthorized assistance in connection with a paper that you submitted in the Course, contrary to section B.I.1(b) of the Code.
 6. In the further alternative, on or about March 1, 2019, 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 paper you submitted in the Course, contrary to section B.I.3(b) of the Code.
2. In brief, the Student is alleged to have submitted two essays in which she included verbatim or near-verbatim passages from sources that were either not referenced or improperly referenced.
 3. The parties provided the Panel with an Agreed Statement of Facts (“ASF”), a Joint Book of Documents (“JBD”), an Agreed Statement of Facts on Penalty (“ASFP”), and a Joint Submission on Penalty (“JSP”). The University also filed written submissions and a Book of Authorities.
 4. In the ASF, the Student admitted that she received a copy of the Charges, that she received a copy of the Notice of Hearing, and that she received reasonable notice of the hearing. She waived the reading of the Charges.
 5. The Student pleaded guilty to Charges 1 and 4. She acknowledged that she did so freely and voluntarily, knowing of the potential consequences she faced, and having obtained the advice of legal counsel.
 6. In its written submissions, the University advised that if the Tribunal returned a finding of guilt on Charges 1 and 4, the Provost would withdraw Charges 2, 3, 5, and 6.

II – MISCONDUCT

(i) The Agreed Facts

5. The Student agreed to the following relevant facts.
6. In Winter 2019, the Student enrolled in WSTD16H3F (Socialist Feminism in Global Context) (the “Course”), which was taught by Dr. Anup Grewal.
7. The Course syllabus advised the students, *inter alia*, that it is an academic offence for students “to use someone else’s ideas or words in their own work without acknowledging that those ideas/words are not their own with a citation and quotation marks, i.e. to commit plagiarism”, and “to include false, misleading or concocted citations in their work”.
8. The Course syllabus also advised students that if they had any questions or concerns about what constitutes appropriate academic behaviour or appropriate research and citation methods, they were expected to seek out additional information on academic integrity from their instructor or from other institutional resources. The syllabus provided a link to the University’s webpage on academic integrity ‘Resources for Students’, as well as a link to a University document entitled “How Not to Plagiarize”.
9. Students in the Course were required to submit two short analysis papers, each worth 15% of their final grades.

The Student’s First Paper

10. The first short analysis paper was due on February 10, 2019. For this assignment, students were required to analyze the class readings on “Utopian Socialists” and respond to a question posed by the instructor.

11. On or about February 6, 2019, the Student submitted her first short analysis paper in the Course, entitled “Utopian Socialist Thought” (the “First Paper”).

12. On reviewing the First Paper, Dr. Grewal determined that there were numerous passages in it that had been taken verbatim, or nearly verbatim, from three online sources (collectively, the “First Paper Sources”):

- “Utopian socialism”, from the Wikipedia website (https://en.wikipedia.org/wiki/Utopian_socialism)
- “History of Economic Thought Lecture Notes, Part III - The Critics of Capitalism”, from the University of Texas at Austin website (<http://la.utexas.edu/users/hcleaver/368/368lecturenotesIII.html>)
- “Sexual Equality & Socialism” by Anne Phillips, in *Dissent Magazine* (available online at <https://www.dissentmagazine.org/article/sexual-equality-socialism>)

13. The Wikipedia article on “Utopian Socialism” was not cited in the First Paper. The URL for the “History of Economic Thought Lecture Notes” was included in the references for the First Paper, but was inaccurately described in both the list of references and the in-text citations. The article from *Dissent Magazine* was cited in the list of references and in one part of the text of the First Paper, but the verbatim text was not placed in quotation marks.

14. Copies of the First Paper and the First Paper Sources were included in the JBD.

15. On March 6, 2019, Dr. Grewal met with the Student to discuss the allegation of plagiarism in the First Paper.

The Student's Second Paper

16. The second short analysis paper was due on March 1, 2019. For this assignment, students were required to analyze the class readings on “From Utopian Socialism to Marxism: Class, Family, and the ‘Woman Question’” and respond to a question posed by the instructor.

17. On or about March 1, 2019, the Student submitted her second short analysis paper, entitled “Analysis Paper #2” (the “Second Paper”).

18. Thus the Student submitted the Second Paper before Dr. Grewal had discovered the suspected plagiarism in the First Paper.

19. After Dr. Grewal discovered the suspected plagiarism in the First Paper, she gave the Student the opportunity to take back the Second Paper and to re-write it before it was graded. The Student declined to do so.

20. Upon reviewing the Second Paper, Dr. Grewal determined that there were numerous passages in the Second Paper that had been taken verbatim or nearly verbatim from an online source: “The Marxist Perspective on the Family” from the Revise Sociology website <https://revisesociology.com/2014/02/10/marxist-perspective-family/> (the “Second Paper Source”).

21. The Second Paper Source was not cited in the Second Paper.

22. Copies of the Second Paper and the Second Paper Source were included in the JBD.

Meeting with the Dean's Designate

23. On June 20, 2019, the Student met with Professor Nick Cheng, Dean's Designate, to discuss the allegations of academic misconduct in the Course. Professor Cheng gave the Student the required warning under the *Code*. During the meeting, the Student explained that it had not been her intention to commit plagiarism, but admitted that her conduct with respect to both papers constituted an academic offence.

24. A copy of the meeting notes taken by the UTS note-taker was included in the JBD, and the parties agreed that these notes accurately reflected the discussion that took place at the meeting.

Admissions and Acknowledgments

25. With respect to the First Paper, the Student admitted that she knowingly:

- a) included verbatim or nearly verbatim passages from the First Paper Sources;
- b) failed to attribute those verbatim or nearly verbatim passages appropriately in the First Paper, including through the use of citations, quotation marks or other appropriate means;
- c) represented the ideas, expression of ideas or work of another as her own in the First Paper; and
- d) committed plagiarism in the First Paper, contrary to section B.I.1(d) of the *Code*.

26. With respect to the Second Paper, the Student admitted that she knowingly:

- e) included verbatim or nearly verbatim passages from the Second Paper Source;
- f) failed to attribute those verbatim or nearly verbatim passages appropriately in the Second Paper, including through the use of citations, quotation marks or other appropriate means;
- g) represented the ideas, expression of ideas or work of another as her own in the Second Paper; and
- h) committed plagiarism in the Second Paper, contrary to section B.I.1(d) of the *Code*.

27. On the basis of the agreed facts in the ASF and the documents in the JBD, the University asked the Tribunal to accept the Student's guilty plea with respect to Charges 1 and 4.

(ii) Decision of the Panel

28. The onus is on the University to establish on a balance of probabilities, using clear and convincing evidence, that the academic offence charged has been committed by the Student.¹

29. The Panel reviewed the documents in the JBD to be satisfied that they supported the facts in the ASF. The Panel noted that the First Paper is largely composed of near-verbatim extracts from the First Paper Sources that are either uncited or improperly cited. The Panel noted that the Second Paper contains a number of near-verbatim extracts from the Second Paper Source, which was not cited at all.

30. Upon considering the ASF, the JBD, and the written submissions of the University, and after deliberations, the Panel was satisfied on a balance of probabilities that the University had proven the elements of Charges 1 and 4. The Panel therefore accepted the Student's guilty plea with respect to these Charges.

III – PENALTY

The Joint Submission and Agreed Facts

31. The parties filed a JSP. The Student acknowledged in the JSP that the University advised her of her right to obtain legal counsel, and that she did so. The Student further acknowledged that

¹ A.S. [Case No. 858; DAB – Appeal 2; April 18, 2019] at para 55.

she signed the JSP freely and voluntarily, knowing of the potential consequences she faced; and knowing that the Tribunal would not be bound by the JSP and had the discretion to impose a different penalty, including one that is more severe than the JSP recommends.

32. In the JSP, the parties submitted that in the circumstances of this case, it was appropriate that the Tribunal impose the following sanctions on the Student:

- a) a final grade of zero in the course WSTD16H3F in Winter 2019;
- b) a suspension from the University of Toronto to the earlier of (1) three years from the date of the Tribunal's order, or (2) May 31, 2023; and
- c) a notation of the sanction on her academic record and transcript from the date of the Tribunal's order until the Student's graduation.

33. The parties further agreed that this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University of Toronto newspapers, with the name of the Student withheld.

34. The Panel reviewed the JSP, as well as the ASFP, the Book of Authorities filed by the University in support of the JSP, and the University's written submissions.

Prior Offence

35. In the ASFP, the Student acknowledged that she had one prior offence.

36. On November 19, 2018, the Student submitted an assignment in PSYC36 (Psychotherapy) for which she obtained unauthorized assistance, contrary to section B.I.1(b) of the *Code*. She purchased this assignment from an online service.

37. When the instructor for PSYC36 reviewed the Student's assignment, he determined that it contained large portions taken from a paper found on the internet, without citation. In addition, many facts and details from the source were modified in the Student's assignment.

38. On January 31, 2019, the Student met with the Dean's Designate, Professor Cheng, to discuss the allegation of academic misconduct in PSYC36.

39. During this meeting, the Student explained that she was going through a stressful time with work coming due in multiple courses. She decided to take a shortcut by using an online service called "EduBirdie". EduBirdie wrote the assignment for her. The Student admitted that she had obtained unauthorized assistance under section B.I.1(b) of the *Code*.

40. On February 13, 2019, Professor Cheng sent the Student a letter regarding their meeting and the sanction imposed. She received a zero on the assignment (which was worth 20% of her final grade, a further reduction of 20% from her final grade, and a notation on her academic record and transcript for one year, ending February 1, 2020.

41. Professor Cheng advised the Student that a copy of his letter would be placed in her student file, and that in the event of any further offence under the *Code*, it would be consulted.

42. Professor Cheng further advised the Student that he trusted it was clear that the University regards with great seriousness all acts of academic dishonesty. He told the Student that he hoped she had learned from this unfortunate experience and that nothing similar would happen again.

The Student's Personal Circumstances

43. In the ASFP, the Student asked that certain personal circumstances be taken into consideration in determining the appropriate sanction in this case.

44. First, the Student's grandfather passed away in November 2018. She was dealing with this loss at the time of the offences.

45. Second, at the time of the offences in late 2018 and early 2019, the Student was working part-time (approximately 15-20 hours per week) at Shoppers Drug Mart.

46. Third, the Student was experiencing significant stresses at home at the time.

47. The University advised in its written submissions that it had taken these personal circumstances into account in reaching the JSP.

48. On the basis of these facts and submissions, the University asked the Panel to impose the sanctions proposed in the JSP.

(ii) Decision of the Panel

49. Although panels are not obliged to accept a joint submission on penalty, the Tribunal's jurisprudence confirms that they are expected to do so unless exceptional circumstances apply. A joint submission on penalty may be rejected only where to give effect to it would be contrary to the public interest or would bring the administration of justice into disrepute.² As the Discipline Appeals Board explained in the *S.F.* decision (Case No. 690, October 20, 2014, at para. 22), "joint submissions promote early resolution of disputes, the saving of time and expense and they provide

² *M.O.* [Case No. 652; November 12, 2012] at para 14.

a level of certainty for the parties which, in turn may lead them to make accommodations that would otherwise not be made.”³

50. In the Panel’s view, there was no basis to reject the JSP in this case. The proposed sanctions are not contrary to the public interest and would not bring the administration of justice into disrepute.

51. In coming to this conclusion, the Panel considered the nature of the offences; the detriment to the University occasioned by them; the need to deter others from committing a similar offence; the likelihood of repetition; the character of the person charged, and the extenuating circumstances surrounding the commission of the offence.⁴

52. Plagiarism is a serious offence. It diminishes the relationship of trust between the University and its students, and it undermines the evaluative process fundamental to the academic setting.⁵

53. In the present case, it is troubling that the Student had a prior plagiarism offence and proceeded to commit two further plagiarism offences. This militates in favour of a significant sanction.

54. However, as the University acknowledged in its submissions, all three offences were committed within a relatively short span of time: the prior offence was committed in November 2018, and the offences in the present case were committed in February and March 2019. The

³ *S.F.*, [Case No. 690; October 20, 2014] at para. 22.

⁴ *M.O.*, November 12, 2012 at para 15, *citing University of Toronto and Mr. C* [Case No. 1976/77-3, November 5, 1976] at p 12.

⁵ *M.O.*, at para 21.

Student was in her fourth year at the time of the November 2018 offence; prior to this, she had completed three years at the University without committing any academic offences.

55. Moreover, the Student was experiencing difficult personal circumstances at home during this period of time, which the Panel accepted as a mitigating factor in the circumstances of this case.

56. The commission of all three offences within four months of each other, after three years at the University untarnished by academic misconduct, suggests that the Student is not an inveterate serial offender. Rather, the Student made a series of mistakes during a difficult time in her life.

57. The Student's early admission of guilt and co-operation with the discipline process reinforce this view. She admitted to the offences both at her meeting with the Dean's Designate in June 2019 and before this Tribunal. She participated in and cooperated in the discipline process, including by entering into agreed statements of facts for both the misconduct and penalty phases of the hearing. In the Panel's view, these were mitigating factors that should be taken into account in this case.

58. In light of the above, the Panel was satisfied that it is appropriate to impose the sanctions proposed in the JSP.

59. The Student has had enough credits to graduate since Summer 2019. Her 3-year suspension will run from the date of the Tribunal's order (May 27, 2020), and she will be able to graduate at the June 2023 Convocation.

IV - ORDER OF THE TRIBUNAL

60. Accordingly, the Panel made the following Order on May 27, 2020:

- 1) **THAT** the Student is guilty of two counts of knowingly representing as her own an idea or expression of an idea or work of another in any academic examination or term test or in connection with any other form of academic work, contrary to section B.I.1(d) of the *Code*.
- 2) **THAT** the following sanctions shall be imposed on the Student:
 - a) a final grade of zero in the course WSTD16H3F in Winter 2019;
 - b) a suspension from the University of Toronto from the day the Tribunal makes its order to the earlier of (1) three years from the date of the Tribunal's order, or (2) May 31, 2023; and
 - c) a notation of the sanction on her academic record and transcript from the day the Tribunal makes its order until graduation.
- 3) **THAT** this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the Student's name withheld.

Dated at Toronto this 24th day of August, 2020



Shantona Chaudhury, Co-Chair