

**UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on June 20, 2018,

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters, 1995* (“Code”),

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:

UNIVERSITY OF TORONTO (the "University")

- AND -

M [REDACTED] B [REDACTED] (the "Student")

REASONS FOR DECISION

Hearing Date: April 11, 2019

Panel Members:

Mr. Christopher Wirth, Chair

Dr. Blake Poland, Faculty Panel Member

Mr. Jin Peng Zhou, Student Panel Member

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

Ms. Krista Osbourne, Administrative Clerk and Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances, University of Toronto

Not in Attendance:

The Student

Charges and Appearances

1. The Trial Division of the Tribunal heard this matter on April 11, 2019. The Student was charged with the following academic offences filed with the Provost on June 20, 2018:
 1. In or about October, 2017, you knowingly represented as your own an idea or expression of an idea or work of another in a Book Review titled “Review of Book Cities in Civilization by Sir Peter Hall” that you submitted in CEM1001H, contrary to section B.i.1(d) of the *Code*.
 2. In or about late November to early December, 2017, you knowingly represented as your own an idea or expression of an idea or work of another in a Slide Presentation titled “Bloor Street Bike Lanes Pilot Project Case Study Presentation” that you submitted in CEM1001H, contrary to section B.i.1(d) of the *Code*.
 3. On or about December 7, 2017, you knowingly used or possessed an unauthorized aid or aids in the form of six pages of notes in the final exam in CIV1252H, contrary to section B.i.1(b) of the *Code*.
 4. In the alternative to the above paragraphs, contrary to section B.i.3(b) of the *Code*, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not herein otherwise described, in order to obtain academic credit or other academic advantage of any kind in connection with:
 - (a) a Book Review titled “Review of Book Cities in Civilization by Sir Peter Hall” that you submitted in CEM1001H in or about October 2017;
 - (b) a Slide Presentation titled “Bloor Street Bike Lanes Pilot Project Case Study Presentation” that you submitted in or about late November or early December 2017 in CEM1001H;
 - (c) six pages of notes in your possession in the final exam in CIV1252H on December 7, 2017.

2. The particulars for these charges were as follows:

- (a) At all material times you were a student at the University of Toronto in the School of Graduate Studies.

CEM1001H

- (b) In Fall 2017 you enrolled in CEM1001H, which was taught by Shoshana Saxe and Richard Stren.
- (c) Students in CEM1001H were required to submit a book review worth 25% of the CEM1001H course mark.
- (d) You submitted your Book Review titled “Review of Book Cities in Civilization by Sir Peter Hall” (“Book Review”) to fulfil this requirement.
- (e) Students in CEM1001H were also required to make an oral presentation supported by a slide presentation worth 7.5% of the CEM1001H course mark.
- (f) You presented your slide presentation titled “Bloor Street Bike Lanes Pilot Project Case Study Presentation” (“Slide Presentation”) to fulfill this requirement.
- (g) You submitted your Book Review and presented your Slide Presentation knowing that they each contained ideas, the expression of ideas, and the work of another, that were not written by you.
- (h) You knowingly represented the work of another person, or persons, as your own in each of the Book Review and the Slide Presentation. You knowingly included in the Book Review and the Slide Presentation ideas and expressions that were not your own, but were the ideas and expressions of another person, or persons, which you did not acknowledge in your Book Review or Slide Presentation.
- (i) You knowingly submitted each of the Book Review and Slide Presentation with the intention that the University rely on each of them as containing your own ideas, expressions of ideas or work in considering the appropriate academic credit to be assigned to your work.

CIV1252H

- (j) In Fall 2017, you were also enrolled in CIV1252H which was taught by Hannah Schell.
 - (k) Students in CIV1252H were required to write a final exam, held on December 7, 2017, worth 50% of the CIV1252H course mark ("Final Exam"). No aids were allowed.
 - (l) You wrote the Final Exam on or about December 7, 2017. During the Final Exam you knowingly had in your possession at least six pages of notes relevant to the subject matter of the Final Exam.
3. Although the Student did not attend the hearing, he was aware of it and had entered into an Agreed Statement of Facts with the University, which confirmed that the Student had received a copy of the charges and the notice of hearing.

The Evidence

4. The Agreed Statement of Facts entered into by the University and the Student provides as follows:
- 1. This matter arises out of charges of academic misconduct filed on June 20, 2018, by the Provost of the University of Toronto (the "Provost") under the *Code*. The Provost and the Student have prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The Provost and the Student agree that:
 - (a) each document contained in the JBD may be admitted into evidence for all purposes, including for the truth of the document's contents, without further need to prove the document; and
 - (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

A. Charges and guilty plea

2. The Student admits that he received a copy of the charges filed by the Provost. The charges are included in the JBD at Tab 1.
3. The Student admits that he received a copy of the notice of hearing in this matter and that he has received reasonable notice of this hearing. A copy of the notice of hearing is included in the JBD at Tab 2.
4. The Student waives the reading of the charges filed against him, and pleads guilty to all charges. If the Tribunal convicts the Student of charges #1 to 3, the Provost will withdraw charge #4.
5. The Student does not intend to attend the hearing on April 11, 2019 in person or otherwise. He has reviewed and approved this Agreed Statement of Facts, the Joint Book of Documents and the accompanying Joint Submission on Penalty, and has executed those documents. The Student understands and intends that this hearing may proceed in his absence, and requests that the hearing be conducted without his attendance.
6. At all material times, the Student was a registered student at the University of Toronto in the School of Graduate Studies. He began taking courses in the Fall of 2017 in the Master of Engineering Cities in Engineering and Management program. To date he has earned 1.0 credit. A copy of the Student's academic record is included in the JBD at Tab 3.

B. CEM1001H: Challenges in Urban Policy Making

7. In Fall 2017, Professor Shoshanna Saxe taught CEM1001H, Challenges in Urban Policy Making ("CEM1001H"). The Student was a registered student in CEM1001H during that term.
8. Early in CEM1001H, Professor Saxe discussed with her students the importance of academic integrity, and included instructions for the appropriate citation. The final grade in the course consisted of marks for a Book Review Paper, worth 25%, and a Final Policy and Engineering Paper, worth 50% of the course grade, as well as 25%

for participation and contribution to in-class discussions. The Course Outline for CEM1001H is included in the JBD at Tab 4.

9. On or about October 8, 2017, the Student submitted his Book Review Paper, titled "Review of Book, *Cities in Civilization* by Sir Peter Hall" ("CEM1001H Book Review"). A copy of the CEM1001H Book Review, with highlighting and annotations, is included in the JBD at Tab 5.
10. Upon review, Professor Saxe determined that many passages from the Student's CEM1001H Book Review were taken verbatim or nearly verbatim from a number of online sources without appropriate attribution:
 - (a) Amazon.ca product summary and customer reviews for Hall, Peter, *Cities in Civilization*, ("Amazon Review"), a highlighted and annotated copy of which is included in the JBD at Tab 6.
 - (b) Kirkus Reviews, *Cities in Civilization*, <https://www.kirkusreviews.com/book-reviews/peter-hall/cities-in-civilization/> ("Kirkus Review"), a highlighted and annotated copy of which is included in the JBD at Tab 7.
 - (c) Fishman, R., *Cities in Civilization* by Sir Peter Hall, Harvard Design Magazine, <http://www.harvarddesignmagazine.org/issues/9/cities-in-civilization-by-sir-peter-hall> ("Fishman Review"), a highlighted and annotated copy of which is included in the JBD at Tab 8.
 - (d) Franco Bianchini (2010) Peter Hall, *Cities in Civilization*, International Journal of Cultural Policy, 16:1, 13-14, ("Bianchini Review"), a highlighted and annotated copy of which is included in the JBD at Tab 9.
 - (e) Batty, Michael (2017), *Cities in civilization*, Regional Studies, Book Reviews, p. 1282-1283, ("Batty Review"), a highlighted and annotated copy of which is included in the JBD at Tab 10.

(collectively, the "Book Review Sources").
11. The highlighting and annotations in the Book Review at Tab 5 of the JBD corresponds to the highlighting in the Book Review Sources at Tabs 6 through 10 of the JBD, and indicates the text that was taken verbatim or nearly verbatim from the Book Review Sources.

12. The Student's CEM1001H Book Review does not contain a bibliography or any citations or references of any kind.
13. Professor Saxe met with the Student on November 8, 2017 to discuss her concerns about his CEM1001H Book Review.
14. On or about December 13, 2017, the Student submitted his Final Research Paper, titled "Bloor Street Bike Lanes Project" ("CEM1001H Research Paper"). One component of that project included a slide presentation ("Slide Presentation"). A copy of the Student's Slide Presentation is included in the JBD at Tab 11. A highlighted and annotated copy of the Slide Presentation is included in the JBD at Tab 11.
15. Once again Professor Saxe discovered that the Student's Slide Presentation contained unattributed passages taken verbatim or nearly verbatim from several sources without attribution:
 - (a) *Bloor bike lanes: 120 years in the making*, by Albert Koehl, Now Magazine, <https://Nowtoronto.com>, a highlighted copy of which is found at Tab 12 of the JBD;
 - (b) City of Toronto Transportation Services *2015 Capital Budget Briefing note Status of Bloor Street – Dupont Street Bikeway Study* found at <https://toronto.ca/>, a highlighted copy of which is found at Tab 13 of the JBD;
 - (c) City of Toronto Staff Report, *Bloor Street Design Feasibility Study and Bike Lane Pilot Project*, March 30, 2016, found at <https://toronto.ca/>, a highlighted copy of which is found at Tab 14 of the JBD; and
 - (d) City of Toronto Report For Action, *Bloor Street West Bike Lane Pilot Project Evaluation*, October 3, 2017 from General Manager, Transportation Services, found at <https://toronto.ca/>, a highlighted copy of which is found at Tab 15 of the JBD.(collectively, the "Slide Presentation Sources").
16. The highlighting and annotations in the Slide Presentation at Tab 11 of the JBD corresponds to the highlighting in the Slide Presentation Sources at Tabs 12 through

15 of the JBD, and indicates the text that was taken verbatim or nearly verbatim from the Slide Presentation Sources.

17. The Slide Presentation contained a final page listing references and citations, but there [were] no references or citations in the body of the Slide Presentation (including through the use of quotation marks, footnotes or in-text citations).
18. Professor Saxe invited the Student to attend a second meeting with her to discuss her concerns with the Slide Presentation, but the Student did not make himself available.

CIV1252H: Infrastructure Renewal

19. In Fall 2017, Lecturer Hannah Schell taught CIV1252H, Infrastructure Renewal ("CIV1252H"). the Student was a registered student in CIV1252H during that term. A copy of the Course Outline for CIV1252H is included in the JBD at Tab 16.
20. The final examination for CIV1252H was held on December 7, 2017, from 7:00 to 9:00 p.m. ("CIV1252H Final Exam"). It was worth 50% of the final grade in CIV1252H. A copy of the CIV1252H Final Exam written by the Student is included in the JBD at Tab 17.
21. No aids were allowed to be used by students writing the CIV1252H Final Exam. A copy of the CIV1252H Final Exam instructions is included in the JBD at Tab 18.
22. the Student arrived early for the CIV1252H Final Exam. He was present for the announcements at the beginning of the exam, including a reminder that no aids were allowed. Although Ms. Schell asked the Student to remove his coat and leave it at the front of the room at the beginning of the exam, he did not do so.
23. During the CIV1252H Final Exam, Ms. Schell discovered some loose papers lying on the floor in front of the Student's desk. When Ms. Schell asked the Student if the papers she had found belonged to him he denied that they were his. Ms. Schell asked the Student again at the end of the exam if the papers belonged to him and he again denied it.

24. When the CIV1252H Final Exam was over and the students left the room, Ms. Schell returned to the area where she had found the loose papers. At that time she found an additional sheet of paper beneath the desk where the Student had been sitting during the exam. A copy of the six pages of loose papers found by Ms. Schell during and after the CIV1252H Final Exam near the Student's desk ("CIV1252H Notes"), are included in the JBD at Tab 19.
25. The CIV1252H Notes contained information highly relevant the subject matter of the CIV1252H Final Exam.
26. Ms. Schell compared the handwriting on the CIV1252H Notes with the handwriting on the Student's exam paper, and with that of the other students who had been sitting near the Student during the exam. She concluded that the handwriting looked very similar to the Student's handwriting, and not to that of any of the other students.

C. Dean's Meetings

27. The Student attended a first Dean's meeting with Professor Luc De Nil on February 22, 2018 to discuss the allegations against him that he had plagiarized the CEM1001H Book Review, and that he had possessed and/or used an unauthorized aid in the CIV1252H Final Exam. At the Dean's meeting, Professor De Nil administered the Dean's warning as required by the *Code*. The Student acknowledges that this meeting took place in a manner consistent with the requirements of the *Code*.
28. At the February 22, 2018 Dean's meeting, the Student admitted to having plagiarized his CEM1001H Book Review, and stated that he "should have known but did not". H[e] also admitted that the six pages of CIV1252H Notes belonged to him and he had brought them into the CIV1252H Final Exam in his coat, and stated that he did not use them. The Student admitted to knowingly violating the *Code* in respect of both the CEM1001H Book Review and the CIV1252H Notes.
29. The Student attended a second Dean's meeting with Professor Elizabeth Smyth on April 23, 2018 to discuss the allegation that he had plagiarized the CEM1001H

Slide Presentation. At the Dean's meeting, Professor Smyth administered the Dean's warning as required by the *Code*. The Student acknowledges that this meeting took place in a manner consistent with the requirements of the *Code*.

30. At the April 23, 2018 Dean's meeting, the Student admitted that he had used other people's work and words without attribution, but said that he did know at the time that he should not have done so.

D. Admissions and Acknowledgements

31. The Student admits that:

- (a) With respect to the CEM1001H Book Review he knowingly:
 - (i) included verbatim or nearly verbatim passages from the Book Review Sources without appropriate attribution;
 - (ii) represented the ideas, expressions of ideas or work of another, including the authors of the Book Review Sources, as his own; and
 - (iii) committed plagiarism contrary to section B.i. 1(d) of the *Code*;
- (b) with respect to the CEM1001H Slide Presentation he knowingly:
 - (i) included verbatim or nearly verbatim passages from the Slide Presentation Sources without appropriate attribution;
 - (ii) represented the ideas, expression of ideas or work of another, including the authors of the Slide Presentation Sources, as his own; and
 - (iii) committed plagiarism contrary to section B.i.1(d) of the *Code*;
- (c) with respect to the CIV1252H Final Exam, he knowingly used or possessed an unauthorized aid or aids in the form of the CIV1252H Notes in the Final Exam, contrary to section B.i.1(b) of the *Code*; and
- (d) knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code*, in order to obtain an academic credit or other academic advantage of any kind contrary to section B.i.3(b) of the *Code*, in connection with:
 - (i) the submission of the CEM1001H Book Review;

- (ii) the submission of the CEM1001H Slide Presentation; and
- (iii) the CIV1252H Notes in the Student's possession during the CIV1252H Final Exam.

32. The Student acknowledges that:

- (a) the Provost of the University of Toronto has advised the Student of his right to obtain legal counsel and that he has chosen not to obtain legal counsel; and
- (b) he is signing this ASF freely and voluntarily, knowing of the potential consequences he faces, and does so without the advice of counsel.

University's Submissions

5. The University submitted that the evidence clearly established that the Student had committed the academic offences charged.

Standard of Proof

6. The onus is on the University to establish based upon clear and convincing evidence on a balance of probabilities that the academic offences charges have been committed.

Decision of the Tribunal

7. Based on the evidence, the Student's admissions and the Panel's review of the plagiarized source material, the Student was found guilty of two counts of the academic offence of plagiarism contrary to section B.i.1(d) of the *Code*, and of one count of the academic offence of using or possessing an unauthorized aid contrary to section B.i.1(b) of the *Code*.

Reasons for Decision

8. The Panel was satisfied that the evidence submitted before it as set out above, clearly established that in the Fall of 2017, the Student, a registered student at the University of Toronto, was enrolled in CEM1001H and that the Student submitted a Book Review entitled Review of Book Cities in Civilization by Sir Peter Hall (the "Book Review") and an oral presentation entitled Bloor Street Bike Lanes Pilot Project Case Study Presentation (the "Slide Presentation") as assignments in this course. The Student was also enrolled in CIV1252H and wrote a final exam (the "Final Exam") on or about December 7, 2017.

9. The Panel was also satisfied based upon the evidence before it as detailed above, that the Book Review and Slide Presentation clearly contained content which was not the Student's own idea or expression of an idea and was in fact the work of another. The Panel was also satisfied based upon the evidence before it as detailed above that during the Final Exam the Student knowingly had in his possession at least six pages of notes relevant to the subject matter of the Final Exam.

10. Accordingly, the Panel was satisfied based upon clear and convincing evidence on a balance of probabilities that the Student had knowingly represented as his own an idea or expression of an idea or work of another and had committed the academic offence charged, namely that he had submitted the Book Review and Slide Presentation as an assignment in CEM1001H in the Fall 2017 term and that the Book Review and Slide Presentation contained ideas or expressions of ideas and works of another, which he knowingly represented as his own, contrary to section B.i.1(d) of the *Code*. The Panel was also satisfied based upon clear and convincing evidence on a balance of probabilities that the Student had knowingly had in his possession at least six pages of notes relevant to the subject matter of the Final Exam and had committed the academic offence charged, namely that he had written the Final Exam in CIV1252H on or about December 7, 2017 and that he knowingly used or possessed an unauthorized aid in the form of at least six pages of notes relevant to the subject matter of the Final Exam, contrary to section B.i.1(b) of the *Code*.

Penalty

11. The University and the Student had entered into a Joint Submission on Penalty which provides as follows:
 1. For the purposes of this hearing under the *Code of Behaviour on Academic Matters, 1995* ("Code"), the Provost of the University of Toronto (the "Provost") and the Student have prepared this Joint Submission on Penalty ("JSP").

2. The Provost and the Student submit that, in all the circumstance of this case, it is appropriate that the University Tribunal impose the following sanctions on the Student:
 - (a) a final grade of zero in the course CEM1001H;
 - (b) a final grade of zero in the course CIV1252H;
 - (c) a suspension from the University of Toronto from the date of the Tribunal's order until April 10, 2023; and
 - (d) a notation of the sanction on his academic record and transcript from the date of the Tribunal's order for one year after the Student's graduation, withdrawal or program termination; and
3. The parties agree that this case shall 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.

Acknowledgements

4. The Student acknowledges that:
 - (a) the Provost has advised him of his right to obtain legal counsel, and he has done so; and
 - (b) he is signing this JSP freely and voluntarily, knowing of the potential consequences he faces and knowing that the Tribunal is not bound by this JSP and has the discretion to impose a different penalty, including one that is more severe than the JSP recommends.
12. In the University's submission, given that this was a first offence, the foregoing penalty accorded with other decisions of this Tribunal in similar circumstances.

Penalty Decision

13. After deliberations, the Tribunal accepted the Joint Submission on Penalty and ordered that the following sanctions shall be imposed on the Student:
- (a) a final grade of zero in the course CEM1001H;
 - (b) a final grade of zero in the course CIV1252H;
 - (c) a four year suspension from the University commencing on April 11, 2019 and ending on April 10, 2023;
 - (d) a notification of this sanction shall be recorded on the Student's academic record and transcript for one year after the Student's graduation, withdrawal or program termination.
14. The Tribunal further orders that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions with the Student's name withheld.
15. An Order was signed at the hearing by the Panel to this effect.

Reasons for Penalty

16. As the parties had negotiated and entered into a Joint Submission on Penalty, the Panel was required to accept the Joint Submission on Penalty unless to do so would bring the administration of justice into disrepute or would be contrary to the public interest. Given that this was a first offence, the Panel was satisfied that the proposed penalty was appropriate given the C [REDACTED] factors (Case No. 1976/77-3, November 5, 1976), and was in accordance with other decisions of this Tribunal in similar circumstances and accordingly, it was appropriate for the Panel to accept the Joint Submission on Penalty.

Dated at Toronto, this 27 day of May, 2019



Christopher Wirth, Chair