

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on September 4, 2018

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

BETWEEN :

THE UNIVERSITY OF TORONTO

- and -

P ■ H ■ Q ■

REASONS FOR DECISION

Hearing Date: March 21, 2019

Members of the Panel:

Mr. F. Paul Morrison, Chair

Professor Lynne Howarth, Faculty Panel Member

Mr. David Allens, Student Panel Member

Appearances:

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

Ms. P ■ H ■ Q ■, the Student

Ms. Jodi Zhang, Student Representative for the Student, Downtown Legal Services

Hearing Secretary:

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

A. Charges

1. On March 21, 2019, this panel of the University Tribunal held a hearing to consider the charges brought by the University of Toronto against P ■ H ■ Q ■ (the “Student”) under the *Code of Behaviour on Academic Matters* (the “Code”).
2. The charges were as follows:
 - i) On or about November 11, 2016, you knowingly represented as your own idea or expression of an idea, and/or the work of another in a film review on the movie *Aliens* (the “Film Review”) that you submitted in partial completion of the requirements for CIN101H5F-Introduction to Cinema Studies (the “Course”) contrary to section B.i.1(d) of the *Code*.
 - ii) In the alternative to charge #1, 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 the Course, contrary to section B.i.3(b) of the *Code*.
3. The Student is an undergraduate enrolled at the University of Toronto Mississauga (“UTM”).
4. The Student attended the hearing and was represented by Ms. Jodi Zhang of Downtown Legal Services.

B. Facts and Findings

5. The parties submitted an Agreed Statement of Facts (“ASF”) and a Joint Book of Documents (“JBD”). Both were marked as Exhibits at the hearing. The Student admitted the accuracy of the facts contained in the ASF and admitted that the documents in the JBD could be received in evidence before the Tribunal for all purposes without need of further proof.

6. The Student first registered as a student at the UTM in the Fall, 2013. At all material times, she remained a student at the University.

7. In the Fall, 2016, the Student enrolled in CIN101H5F – “An Introduction to Cinema Studies” (the “Course”), taught by Professor Matthew Stoddard. She received a copy of the syllabus for the Course. The syllabus contained a section with respect to “Academic Integrity (Cheating and Plagiarism)” which cautioned students against cheating and plagiarism and advised that the University “treats cases of cheating and plagiarism very seriously”. It also advised that students would be required to submit their course essays to “Turnitin.com” for a review of textual similarity and detection of possible plagiarism.

8. The academic requirements for the Course included a 700-800 word film review, which was worth 20% of the final grade in the Course.

9. On November 11, 2016, the Student submitted an electronic version of a review of the movie Aliens (“Film Review”) through Turnitin.com. She did so in partial completion of the requirements of the Course, and for the purpose of receiving academic credit. A copy of the Film Review was included in the JBD.

10. The Turnitin.com originality report indicated that the Film Review was 60% similar to the submission of another student in the Course. A copy of the Turnitin.com report was included in the JBD.

11. Professor Stoddard located the paper that was similar to the Student’s Film Review (the “Other Paper”). A copy of the Other Paper was included in the JBD.

When Professor Stoddard reviewed both papers, he observed that they were nearly identical.

12. On November 23, 2017, the Student met with Professor Catherine Seguin, the Dean's Designate for academic integrity at the University of Toronto Mississauga. During the meeting, the Student admitted that she purchased the Film Review for \$200 from an on-line source because she was afraid of getting a low mark.

13. The Student admits that she did no meaningful academic work on the Film Review and knowingly submitted it in essentially the same form as she received it.

14. The Student admits that, in the Film Review, she knowingly represented the ideas of another person, the expression of the ideas of another person, and the work of another person as her own. The Student admits that she knowingly committed plagiarism contrary to section B.i.1(d) of the Code.

15. The Student admits that 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 Film Review, contrary to section B.i.3(b) of the Code.

16. The Student acknowledged that she received a copy of the Charges and entered a plea of Guilty to Charge 1 and to Charge 2.

17. Counsel for the University undertook to the Tribunal that if there were a finding of guilt and a conviction on Charge 1, the University would withdraw Charge 2.

18. The Tribunal considered the Student's admissions, the ASF and the documents in the JBD. Having done so, the Tribunal accepted the plea of guilty to the first Charge and entered a finding of Guilt accordingly. A conviction was entered on Charge 1. In accordance with its undertaking, the University thereupon withdrew Charge 2.

C. Penalty

19. The parties jointly submitted an Agreed Statement of Facts and Joint Submission on Penalty (the "Joint Submission"). This was marked as an Exhibit at the hearing. The parties also filed a Book of Authorities.

20. The Joint Submission disclosed that the student had previously been sanctioned for an academic offence. That offence pertained to an admitted plagiarizing of an assignment worth 25% of the final grade in Course CCT110H5S in 2016. As a result of that offence, the Student had received a mark of "0" on the assignment in question and a 12-month notation of her academic record and transcript.

21. Counsel for both parties emphasized in their submissions the Student's co-operation with the University throughout, including her admissions as to elements of the offence that the University may not have been able to prove but for her admissions.

22. Counsel for the University acknowledged and counsel for the Student emphasized other mitigating circumstances. Briefly stated, they concern a very

difficult relationship of the student with her parents and family, serious difficulties arising out of the Student terminating a relationship with her boyfriend of one year and serious mental health issues for which she had only recently sought and received medical assistance and on-going therapy.

23. The Tribunal was referred to a number of pertinent authorities by counsel for both parties. The authorities strongly establish the applicable principles with respect to a joint submission as to penalty. Such a joint submission 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. In a university setting, this means that the joint submission must be measured against the understood and entrenched set of values and behaviours, which members of the University community are expected to uphold. Only if a joint submission is fundamentally offensive to these values may it be rejected.

24. The Tribunal carefully considered all of the submissions made by counsel for both parties, together with all of the authorities to which it was referred. The Tribunal was particularly impressed with the Student's extent of co-operation and with her remorse. The Tribunal was also impressed by the difficult personal circumstances of the Student. These factors were of assistance to the Tribunal in considering the Joint Submission, particularly as the Joint Submission recommended a penalty less severe than that of expulsion, which might otherwise have applied to an offence of this nature.

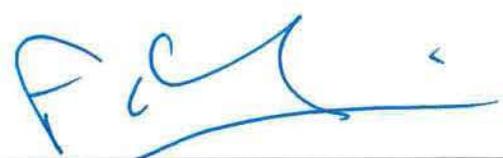
25. After its deliberations and careful consideration of all of the submissions of both counsel, the Tribunal decided to accept the Joint Submission.

D. Order

26. Accordingly, the Tribunal issued the following Order:

1. **THAT** the Student is guilty of the academic offence of plagiarism, contrary to section B.i.1(d) of the *Code of Behaviour on Academic Matters*;
2. **THAT** the following sanctions shall be imposed on the Student:
 - (a) a final grade of zero in the course CIN101;
 - (b) a five-year suspension from the University commencing May 1, 2019; and
 - (c) a notation of this sanction on her academic record and transcript from the date of this Order until April 30, 2025;
3. **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 Student's name withheld.

Dated at Toronto, Ontario this 7th day of May, 2019



F. Paul Morrison, Chair