

THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO

**IN THE MATTER OF** charges of academic dishonesty made on August 31, 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 amended S.O. 1978, c. 88

BETWEEN:

UNIVERSITY OF TORONTO

- and -

F ■ Y ■

REASONS FOR DECISION

**Hearing Date:** December 6, 2018

**Members of the Panel:**

Mr. Shaun Laubman, Lawyer, Chair  
Professor Richard B. Day, Faculty Panel Member  
Ms. Emily Hawes, Student Panel Member

**Appearances:**

Ms. F ■ Y ■, the Student  
Ms. Tina Lie, 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

1. The Trial Division of the University Tribunal heard this matter on December 6, 2018.
2. F ■ Y ■ (the "Student") was in attendance.
3. The Student was charged as follows:
  - a. On or about April 9, 2018, the Student knowingly represented as her own an idea or expression of an idea or work of another in a paper she submitted in ENGD93H3 (Theoretical Approaches to Cinema) (the "Course"), contrary to section B.I.1(d) of the Code.
  - b. In the alternative, on or about April 9, 2018, the Student knowingly obtained unauthorized assistance in connection with a paper she submitted in the Course, contrary to section B.I.1(b) of the Code.
  - c. In the further alternative, on or about April 9, 2018, 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 a paper she submitted in the Course, contrary to section B.I.3(b) of the Code (collectively, the "Charges").
4. The Student pleaded not guilty to the Charges.

### **Evidence**

5. The University introduced evidence from the following witnesses during the liability phase of the hearing:
  - a. Dr. Dru Jeffries, the professor for the Course;
  - b. Professor Mark Schmuckler, the Vice-Dean Undergraduate and Dean's Designate at the University of Toronto Scarborough ("UTSC"); and

- c. Maryam Shahid, an articling student at Paliare Roland Rosenberg Rothstein LLP, the University's counsel.
6. The Student testified in her own defence at the hearing.
7. The Student enrolled in the Course at UTSC during the Winter 2018 term. The Course focussed on theorists' response to the demise of cinema in light of its transition from analog format to digital.
8. The grading for the Course consisted of the following:
  - a. A viewing journal assignment worth 10%;
  - b. A scene analysis paper worth 20%;
  - c. A nostalgia reflection assignment worth 15%;
  - d. Essay proposal presentations worth 5%;
  - e. A final paper worth 35%; and
  - f. Class participation worth 15%.
9. Most of the University's evidence was led through Dr. Jeffries. He explained how on an early assignment in the Course, the scene analysis paper, the Student did not do well. As a result, she submitted a draft of the next assignment, the nostalgia assignment, in order to get his feedback.
10. When Dr. Jeffries reviewed the Student's draft assignment, he noticed that it quoted heavily from the assigned text without using proper quotations or attribution. In an email sent on February 18, 2018, he warned the Student that he would have been forced to report her for academic misconduct had the draft been submitted for credit. He encouraged the Student to attend the University's Writing Centre if she needed assistance with proper citations.
11. The Student responded to Dr. Jeffries' email, thanking him for reminding her about plagiarism and committing to attending class more frequently (Dr. Jeffries' evidence

was that he did not recall the Student ever attending class although this was disputed by the Student).

12. The Student continued to perform poorly in the Course. She got only 1% out of 10% on the viewing journal assignment. In an email dated April 2, 2018, the Student expressed her concern about not passing the Course, particularly as she was in her last semester of school. By this date, the Student had already missed the 5% essay proposal presentation that was done a month earlier.
13. The final papers were due on April 10, 2018. The Student submitted a final paper analyzing the role of tricksters in the David Fincher film, *Zodiac*.
14. Dr. Jeffries testified that he was perplexed by the focus on the trickster figure in *Zodiac*. While the movie itself was discussed in the Course, the paper's thesis and subject matter had no relation to the course content.
15. Curious about the Student's choice of topic for her paper, Dr. Jeffries searched for select key terms from the paper on Google. He immediately found an undergraduate paper written in 2014 by someone other than the Student that addressed "The Role of Tricksterism in David Fincher's Films". He saw that the online paper cited many of the same sources that the Student used in her paper.
16. Reviewing the Student's paper alongside the paper he found online, Dr. Jeffries noted numerous similarities between the two. Not only were the same sources used but the concepts and use of quotations were strikingly similar. While words were sometimes changed, the ideas, concepts and conclusions in the Student's paper were often identical to those in the online paper.
17. In total, Dr. Jeffries identified eighteen sentences or paragraphs that were either very similar to or the same as ones found in the online paper. The structure and ordering of the arguments in the Student's paper were the same as the online paper. The sources used by the Student were not part of the Course reading material but they were identical to sources used in the online paper. Finally, the thesis of the Student's

paper, similar to the one in the online paper, was not one that Dr. Jeffries had seen before.

18. All of these factors led Dr. Jeffries to the conclusion that the Student's paper had been plagiarized from the online paper. He told the Student about his concerns and invited her to meet with him. That meeting never happened.
19. When confronted, the Student denied the plagiarism allegations. She maintained her denial at the Dean's designate meeting with Professor Schmuckler and at the Tribunal hearing.
20. According to the Student, the first time she saw the online paper was when it was shown to her at the Dean's designate meeting. She was adamant that the ideas and content of the paper were her own work product. She testified that she found all of the sources for her paper independently and even purchased some of them online. When asked whether she had proof of purchase, she claimed that she did not because the purchases were on a friend's account. The Student repeatedly suggested that Dr. Jeffries was treating her unfairly for some unknown reason.
21. While the Student was strident about her innocence, her account lacked credibility. She produced no notes or other evidence to support her assertion that she had come up with the thesis and arguments for her paper independently. Moreover, the similarities between her paper and the online paper are striking and cannot be explained away as a mere coincidence.
22. Based on the evidence at the hearing and a review of the Student's paper compared to the online paper, the Tribunal determined that the Student was guilty of plagiarism in the Course. Accordingly, the Student was found guilty of violating section B.I.1(d) of the *Code*. The University withdrew the remaining charges which were in the alternative.

**Penalty**

23. Following the findings on liability, the Tribunal heard from the University regarding the appropriate penalty. The University's proposed penalty was:

- a. A final grade of zero in the Course;
- b. a suspension from the University from the date of decision for a period of two years, ending on December 5, 2020; and
- c. a notation of the sanction on the Student's academic record and transcript from the date of the decision for a period of three years, ending on December 5, 2021, or until graduation, whichever is earlier; and
- d. that the 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.

24. The University presented precedent decisions that established that the requested penalty was well within the range of reasonable sanctions for similar offences.

25. The Student had no prior academic offences on her record and she was 0.5 credits away from graduation.

26. In support of its submission, the University pointed to the lack of remorse by the Student. She consistently refused to accept responsibility for the plagiarism and instead mounted an attack on the professor's integrity in her defence. Ironically, in her submissions on penalty, the Student again blamed the professor for her situation.

27. The Student spoke to the importance to her of graduating and moving on to the next phase of her life. Otherwise, she did not present any extenuating factors in response to the University's submissions on the appropriate penalty.

28. Based on all of the circumstances, the Tribunal found that the University's proposed penalty was reasonable and appropriate. In particular, the Student gave no indication that she had learned from her mistake and was prepared to accept responsibility for it.

29. Accordingly, an Order was signed at the conclusion of the hearing imposing the penalty set out in paragraph 23 above on the Student.

Dated at Toronto this 4th day of March, 2019

  
\_\_\_\_\_  
**Shaun Laubman, Co-Chair**