

UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION

IN THE MATTER charges of academic dishonesty made on June 22, 2009;

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:

THE UNIVERSITY OF TORONTO

– AND –

T [REDACTED] K [REDACTED]

Hearing Date: January 14, 2011

Members of the Panel:

Ms. Rodica David, Q.C., Barrister and Solicitor, Chair
Professor Ato Quayson, Director, Centre for Diaspora & Transnational Studies; Graduate Faculty; Undergraduate Instructor, Faculty Panel Member
Mr. Shakir Rahim, Student Panel Member

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Barristers
Ms. Betty-Ann Campbell, Law Clerk, Paliare Roland Barristers
Professor Shafique Virani, Instructor for RLG451Y5Y: Islamic Literature, Associate Professor, Department and Centre for the Study of Religion, Historical Studies
Ms. Lucy Gaspini, Academic Affairs Officer, University of Toronto Mississauga

In Attendance:

Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances, Office of the Governing Council

Not in Attendance:

Mr. T [REDACTED] ([REDACTED] K [REDACTED]), the Student

**NOTICE OF HEARING AND STUDENT'S INFORMAL REQUEST FOR
ADJOURNMENT**

- [1] The evidence of Betty-Ann Campbell, Law Clerk at Paliare Roland leads to the necessary inference that the student had notice of this hearing. Exhibit 1 contains a series of documents relating to the numerous attempts since June 2009, to contact the student and to give him notice of the hearing.

- [2] Tab 4 is an email exchange with the student at his email address as it appears on his ROSI record, as well as another email address which Ms. Campbell had obtained from communications with the student on other matters and from which the student had directed emails to Ms. Campbell. The student claimed that he was not available until 2012 as he was serving in the Taiwan air force. Ms. Campbell proposed a hearing by SKYPE. The student claimed in an email that appears at Tab 9 that this was not feasible. As a result the University put the file in abeyance.

- [3] In early December 2010 the University reviewed the file and located a Facebook page (Tab 10), which indicated that the student was actually in Toronto. At Tab 11 appears a Resume posted on Linked In which indicated that he was employed in Toronto during the period that he claimed he was serving in the Taiwan air force. Ms. Campbell confirmed with Mr. K█'s employers that he was indeed employed in Toronto. She then called his place of employment and spoke to a person who acknowledged that he was indeed Mr. K█ and that he knew of the email communications referred to above. Ms. Campbell also conducted a driver's licence MTO Search which indicated his Toronto address on Doris Avenue and that the student had violations during the period that he claimed he was serving in the Taiwan Air Force. Ms. Campbell sent Mr. K█ an email indicating that she wished to take steps to schedule the hearing, to which the student responded by email. On December 9, 2010, the student sent an email that he was contacting Downtown Legal Services. Tabs 13 and 14 are the Notices of Hearing which were sent to the student by both email and courier.

- [4] Ms. Campbell and Ms. Harmer contacted the student at his place of employment on Wednesday January 12, 2011 at which time he gave a spurious reason for an adjournment, to which Ms. Harmer advised that the University intended to proceed and urged him to contact Downtown Legal Services immediately (after Mr. K█ claimed that he had tried but they were closed, and then acknowledged he had not contacted them). There was no contact from the student since that time nor did he appear at this hearing.
- [5] After Ms Campbell gave evidence, Professor Ato Quayson indicated that he was the Director of the Centre of Diaspora and Transnational Studies in which the student was apparently enrolled according to his ROSI record in 2006-2007, but this was not the Department in which the offence occurred, as per section C.II.(a)(20) of the *Code of Behaviour on Academic Matters, 1995*. Professor Quayson had no contact whatsoever with the student. In the circumstances this Tribunal as constituted finds that there is no actual or potential conflict.
- [6] It is clear that the University has been required, in large part because of the student's deceptions, to go through numerous efforts over an unnecessarily lengthy period of 1½ years, to schedule this hearing. The Notices of Hearing at Tabs 19 and 20 were served in accordance with the requirements of Section 6 of the Statutory Powers and Procedures Act. The student requested an adjournment in an informal way in his conversation initiated by Ms. Harmer, but his only explanation was that he had a presentation at work. There is no evidence that he actually had such a presentation. He claimed that he was unable to reach Downtown Legal Services as they were closed, but this was patently false. He did not make any formal request to this Tribunal for an adjournment. Throughout the last 1 ½ years, the student has engaged in a web of deception to delay this hearing.
- [7] In the circumstances, the Tribunal accepts that the student had proper notice, and this hearing will proceed. 11:25 am.

CHARGES

[8] The charges against the student, which appear at Exhibit 2 Tab 2, are as follows:

1. On or about February 23, 2009, you knowingly represented as your own an idea, or an expression of an idea, or the work of another, in connection with a "Polished Rough Draft - Entire Creative Project" (Project), which you submitted for academic credit in RLG451Y5Y: Islamic Literature ("Course"), contrary to section B.I.1(d) of the Code.
2. In the alternative, on or about February 23, 2009, 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 the Project, which you submitted for academic credit in the Course, contrary to section B.I.3(b) of the Code.

[9] The University called Professor Shafique Virani to give evidence. Presently he is Associate Professor and Chair of the Dept of Historical Studies at Mississauga Campus, and Professor at the Graduate Departments of Religion and History at St. George Campus. He taught courses RLG204 which the student took in fall 2007 and RLG451 in which the student was enrolled in the winter of 2009.

[10] The RLG204 course encompassed class time devoted to a detailed explanation of plagiarism, its nature and consequences, and included various exercises to illustrate what constitutes plagiarism. The student attended this class. If he did not have an understanding of what constitutes plagiarism before he took this class, he must have known the elements of plagiarism after he had completed this course.

[11] On the syllabus for course RLG451, it is stated that the University uses the website, turnitin.com to detect plagiarism. An assignment is submitted electronically to this website which then identifies similarities to other sources. The class, including the student, was offered the opportunity to request that a

different means or website be used. The student never gave any indication that he wished a different means or website to be used.

- [12] In Course RLG451, the student submitted an assignment which Professor Virani suspected might be plagiarized. When he met with the student to discuss this assignment, the student did not appear to know anything about the content of the assignment he had submitted. However, Professor Virani had no concrete proof that the particular assignment had been plagiarized.
- [13] Another part of course RLG451, related to a particular novel that gave rise to a discussion of various ethical issues. In this context Professor Virani discussed the ethical aspects of plagiarism. By this point there can be no question whatsoever that the student knew fully what constituted plagiarism.
- [14] As part of course RLG451, the student was required to complete a project in various stages as indicated at Tab 3, second page, with deadlines as indicated.
- [15] Professor Virani testified that, in the classroom context, the student appeared not to have done his assigned readings, nor did he appear to have any knowledge of assignments that he had submitted. In contrast, the student's written assignment that he submitted in the preliminary stages of the required project was quite well done. However, the assignment that was submitted at the third stage of the project appeared to be a regression from the assignments submitted previously in respect of this project.
- [16] Tabs 8 and 9 are two documents which the student submitted electronically as the Polished Rough Draft at the 4th stage of the project, which was worth 15% of the final mark. It was quite curious that two documents were submitted. Professor Virani thought that perhaps Tab 9 was submitted in error as the internal content appears the same as Tab 8, except that Tab 9 contains advertisements. It therefore appeared to Professor Virani that portions of the student's submitted works were copied from various websites.

[17] Professor Virani then compared in detail the documents submitted by the student to other websites. When he completed this analysis for about ¼ of the paper, he found that every single sentence in the submission was identical to various websites. This detailed comparison appears at Tab 10. After that Professor Virani met with the student and urged him at the meeting as well as in an email exchange to complete the course requirement with the Final Creative Project.

[18] The student was advised that his assignment would be submitted by the University to turnitin.com. The result by turnitin.com showed a 92% similarity with other websites – see Tab 11.

[19] There is little question that the entire project submitted by the student was plagiarized. The evidence is clear that the student had ample opportunity to know and understand plagiarism. He had been enrolled at the University since 2003. He was taught in detail the nature of plagiarism in the courses he took. Given the extensive classroom time devoted to ensure that the student understood the elements of plagiarism, the Tribunal concludes that he knowingly plagiarized.

[20] The student is therefore guilty as charged on the first charge. The University therefore chooses not to proceed on the second charge.

SANCTION

[21] Mr. K ■ has been the subject of previous disciplinary proceedings at this University since he first enrolled at the University in 2003.

[22] In the summer of 2004, he admitted to plagiarizing a paper worth 15% of the marks in his philosophy course and accepted a sanction of a mark of zero for the paper in question.

[23] In November 2006 the student was charged with plagiarizing in his History course. In December 2006, the student was further charged with plagiarism in his Religion course. Two hearings took place in May and November 2008. He

was found guilty on both charges with a sanction of zero in the two courses, plus a suspension of 3 years.

[24] In this case the University seeks the following sanctions under Section C.II.(b)1:

1. a mark of zero (0) in the course RLG451;
2. that the student be suspended from attending at the University for 5 years starting May 1, 2012 – for the purpose of affording the University sufficient time for the expulsion process to be completed; and,
3. that a recommendation of expulsion to the President for his recommendation to the Governing Council.

[25] The University further requests under Section C.II.(b)3: that this case be reported to the Provost for publication with the name of the student withheld.

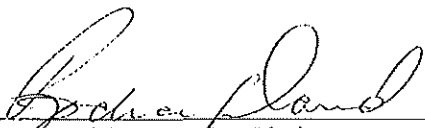
[26] This is a very serious offence. In addition there are a number of aggravating factors in this case:

1. The student has a history of academic offences.
2. The present offence was committed during the time that he had been given, at his request, before the suspension on the charges of which he had been previously found guilty as appears from paragraph 22 of the Reasons for Decision dated March 11, 2009 at exhibit 3, Tab 2.
3. The student did not appear at this hearing.
4. The student engaged in a web of deception in this case. As appears in the Reasons for Decision dated March 11, 2009 at exhibit 3, Tab 2, the student similarly engaged in a pattern of deception in the previous offences of which he was found guilty after a lengthy hearing.
5. There is no evidence of remorse in this case, again similar to the previous case.

[27] There are no extenuating circumstances. In light of the student's disciplinary history indicating repeated plagiarisms, there is every likelihood that the student will repeat the offence. This type of conduct is highly detrimental to the reputation of the University. It must be made clear to the public that the University will take all reasonable steps to protect its reputation and the integrity of its academic process. The students of the University must be discouraged from attempting such conduct and be made aware that the University will impose severe sanctions.

[28] Ms. Harmer presented ample case authority to support the sanctions that she requests on behalf of the University. The Tribunal has no hesitation in unanimously accepting in full the University's proposed sanctions.

Dated at Toronto, this 26th day of January, 2011



Rodica David Q.C., Co-Chair