

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on December 14, 2011,

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

B E T W E E N:

THE UNIVERSITY OF TORONTO

- AND -

M [REDACTED] O [REDACTED]

REASONS FOR DECISION

Date of Hearing: Monday, August 20, 2012

Members of the Panel:

Mr. Jeffrey S. Leon, L.S.M., Chair

Professor Pascal van Lieshout, Faculty of Medicine, Faculty Panel Member

Ms. Fikir Haile, Student Panel Member

Appearances:

Mr. Robert A. Centa, Assistant Discipline Counsel for the University, Paliare Roland Barristers

Ms. Sierra Yates Robart, Legal Case Worker for the Student, Downtown Legal Services

In Attendance:

Ms. M [REDACTED] O [REDACTED], the Student

Ms. Denise Cooney, Articling Student, Paliare Roland Barristers

Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

1. The University Tribunal was convened on August 20, 2012 to hear three charges under the *Code of Behaviour on Academic Matters, 1995* (the "Code") laid against the Student by letter dated December 14, 2011 from Professor Edith Hillan, the Vice-Provost, Faculty & Academic Life, University of Toronto (the "Charges").

2. At the outset of the hearing, the Tribunal was advised that the matter would proceed on the basis of an agreed statement of facts dated August 20, 2012 (the "Agreed Statement of Facts").

3. The Student was present at the hearing. The Tribunal was also advised that if the Tribunal finds the Student, based on her admissions, guilty of academic misconduct as set out in Charges 1 and 2 of the Charges, Charge 3 would be withdrawn.

The Charges

4. The Charges against the Student are as follows:

- (a) On or about August 11, 2011, you knowingly represented the ideas or the expressions of the ideas of another as your own work in a term paper submitted in the University of Toronto course GGR 378 H5S ("Course"), contrary to section B.I.1(d) of the Code;
- (b) On or about August 11, 2011, you knowingly submitted a term paper containing purported references to sources that had been concocted to obtain academic credit in the Course, contrary to Section B.I.1(f) of the Code;
- (c) In the alternative, by submitting the term paper in the Course, 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, contrary to section B.I.3(b) of the Code.

The Agreed Statement of Facts

5. The Tribunal was advised that the Student was prepared to admit that she was guilty of academic misconduct as set out in Charges and she waived a formal reading of the Charges.

6. The Agreed Statement of Facts (Exhibit "1") was signed by counsel for the University and by the Student. The Student acknowledged that the facts set out in the Agreed Statement of Facts were true and that she executed the Agreed Statement of Facts voluntarily and with the advice of legal counsel.

7. The Agreed Statement of Facts set out the following:

(a) **Background**

At all material times, the Student was a registered student at the University of Toronto.

(b) **The facts related to the Charges**

(i) In the Summer 2011 term, the Student enrolled in GGR 378 – Natural Hazards: Risk and Vulnerability, which was taught by Benita Tam ("Course").

(ii) The academic requirements for the Course included a term paper, worth 20% of the grade in the Course, that was due on August 11, 2011. The assignment for the Term Paper stated, in part:

Must, above all, be your own work, produced specifically for the purpose of this assignment and this course (see the "Library Resources" section of the course website to read a useful handout on "How to Avoid Plagiarism").

(iii) On August 11, 2011, the Student submitted an essay titled "Case Study: Damage, Preparation and Vulnerability (Pakistan Flood 2010)" in partial completion of the Course requirements (the "Essay").

- (iv) The Course Instructor graded the Essay and noted that several of the passages in the Essay were reproduced verbatim or nearly verbatim from secondary sources, some of which were not listed in the Essay.
- (v) In addition, several passages were not identified through the use of quotation marks or any other method of indicating that they were verbatim or nearly verbatim quotes.
- (vi) With respect to the Essay, the Student admits that she knowingly:
 - (1) included verbatim and nearly verbatim excerpts from various secondary sources;
 - (2) failed to attribute those verbatim and nearly verbatim excerpts appropriately using quotation marks or other appropriate referencing methods; and
 - (3) submitted academic work containing references to sources that she concocted.
- (vii) The Student admits that in the Essay she knowingly:
 - (1) represented the ideas of another person, the expression of the ideas of another person and the work of another person as her own;
 - (2) committed plagiarism contrary to section B.I.1(d) of the *Code*;
 - (3) submitted work containing references to sources that she concocted, contrary to section B.I.1(f) of the *Code*; and
 - (4) engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.I.3(b) of the *Code*.

- (viii) On October 21, 2011, the Student met with Prof. Scott Graham, the Dean's designate for academic integrity. The Student admits that Prof. Graham provided the warning that was required to be given to her under the *Code*.
- (ix) The Student admitted to Prof. Graham that she had violated the *Code* by committing plagiarism in the Essay and signed an admission of guilt form.
- (x) The Student acknowledges that:
 - (1) the Provost has advised her of her right to obtain legal counsel and that she has done so; and
 - (2) she signed the Agreed Statement of Facts freely and voluntarily, knowing of the potential consequences she faces.

Tribunal's Decision

8. The Student pled guilty to the Charges. The Tribunal considered the facts as set out in the Agreed Statement of Facts. The Tribunal found that the facts supported a finding of conduct contrary to Charges 1 and 2 of the Charges and accepted the Student's plea of guilty. Upon so advising the parties, counsel for the University withdrew Charge 3 of the Charges.

Joint Submission on Sanction

9. The parties submitted to the Tribunal an Agreed Statement of Facts on Penalty dated August 20, 2012 (Exhibit 4). The parties also submitted to the Tribunal a Joint Submission on Penalty, also dated August 20, 2012 (Exhibit 3).

10. In the Joint Submission on Penalty, the Provost and the Student submitted that the appropriate penalty in all the circumstances should be as follows:

- (a) a final grade of zero in GGR 378 – Natural Hazards: Risk and Vulnerability;

- (b) a three-year suspension from the University to commence on the day the Tribunal makes its order;
- (c) a notation of the sanction on the Student's academic record and transcript, until the later of either a period of four years commencing on the day the Tribunal makes its order, or her graduation from the University; and
- (d) 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 newspapers with the name of the Student withheld.

11. The Student acknowledged that she had signed the Agreed Statement of Facts on Penalty and the Joint Statement on Penalty freely and voluntarily, knowing of the potential consequences she faced. The Student further acknowledged that the University had advised her to obtain independent legal advice before signing the Agreed Statement of Facts on Penalty and the Joint Statement on Penalty and that she had done so.

12. The Agreed Statement of Facts on Penalty set out the following facts relevant to penalty:

- (a) On January 7, 2009, the Student submitted on-line petitions in support of two deferred exam petitions for BIO 310H5F and ERS 201H5F, both of which were scheduled to be written on December 16, 2008.
- (b) In support of the petitions, the Student submitted a University of Toronto medical certificate from Dr. Mughai purportedly dated December 14, 2008 (the "Medical Certificate"). In response to a request from the University, Dr. Mughai confirmed that he had seen the Student on February 14, 2008, but not on December 16, 2008.
- (c) On March 2, 2009, the student met with Professor Scott Graham, the Dean's designate for academic integrity at the University of Toronto Mississauga. During this meeting she admitted that she had altered the Medical Certificate. Lynn Snowden, the Assistant Dean at the University of Toronto Mississauga imposed the following sanctions:

- (i) A final grade of zero in each course;
 - (ii) A suspension from attending the University for 12 months from May 1, 2009 to May 1, 2010; and
 - (iii) An annotation on her transcript running from April 1, 2009 to December 1, 2010.
- (d) Assistant Dean Snowden confirmed the penalty in a letter to the Student dated March 12, 2009. Assistant Dean Snowden warned the Student in the letter as follows:

I trust that you have had time to reflect on the seriousness of this incident and will not commit another academic offence again. Please be advised that any subsequent allegations of offence are usually referred directly to the Tribunal for investigation.

Decision on Penalty

13. After considering the Agreed Statement of Facts on Penalty, the Joint Submission on Penalty, the submissions of counsel for the University and counsel for the Student and the authorities provided by both counsel, as well as all other factors deemed relevant by the Tribunal, the Tribunal concluded that it would accept the recommended sanctions.

14. The Tribunal was mindful that in general, a Joint Submission in this context should be accepted by the Tribunal unless to do so "would be contrary to the public interest or bring the administration of justice into disrepute if effect was given to the Joint Submission" (see *R. v. Tsicos*, 2006 CANLII 33849 (Ont. C.A. per Cronk, JA)).

15. The factors to be considered when determining penalty by this Tribunal are well-established:

- (a) the character of the person charged;

- (b) the likelihood of a repetition of the offence;
- (c) the nature of the offence committed;
- (d) any extenuating circumstances surrounding the commission of the offence;
- (e) the detriment to the University occasioned by the offence;
- (f) the need to deter others from committing a similar offence.

(See *In the matter of the University of Toronto Code of Behaviour, an appeal by Mr. C*, November 1976, page 12.)

16. The Student was in attendance at the hearing. Through counsel, she acknowledged her guilt and the seriousness of her conduct.

17. The sanctions proposed in the Joint Submission on Penalty are significant in that they include a lengthy suspension.

18. The Tribunal considered it highly relevant that the Student had previously been suspended from the University for one year for dishonest conduct in altering a Medical Certificate submitted in support of petitions to defer examinations. On the other hand, in pleading guilty and appearing before the Tribunal, the Student does appear to have accepted the seriousness of her conduct.

19. The Tribunal concluded that the sanctions proposed in the Joint Submission on Penalty were reasonable and that there was no proper basis to consider any variation of those sanctions. In doing so, the Tribunal was mindful of the need to achieve a proper balance between emphasizing the absolute need for honest and ethical behavior by students of the University community and the need, in appropriate circumstances, for a student to have some future prospect of resuming her academic studies at the University.

20. A three-year suspension for a second offence, including dishonesty is reasonable. As noted by this Tribunal in the matter of *The University of Toronto and S.V.*, (November 2007), paragraph 35:

We have reached a point where serious breach of trust such as plagiarism and/or concoction should evoke a response of at least a two-year suspension for a first offence and a three-year or longer suspension on a subsequent finding.¹

Thus, a three-year suspension in this context is a severe penalty which should promote individual deterrence and general deterrence but also allow for the prospect of rehabilitation.

21. It should be emphasized that acceptance of principles of honesty and integrity are fundamental to, and prerequisites for, acceptance as a student at the University. Dishonest conduct in the nature of plagiarism, concocting purported references in academic papers or other dishonest conduct is a serious offence and runs contrary to the very foundations upon which the University functions. Disregard of these principles has the potential to seriously damage and undermine the University and its academic community and the relationship of trust that is foundational to the University's academic program. It is for these reasons that dishonest conduct of this nature must be dealt with severely and without exception.

22. The Tribunal trusts that the Student has recognized the importance of these principles and that if she chooses to continue her academic studies, at this University or any other educational institution, she will have learned an important lesson and conduct herself appropriately with honesty and integrity.

Order

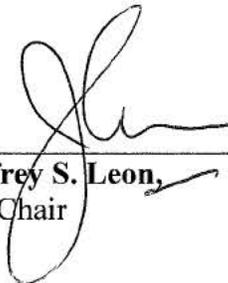
23. At the conclusion of the hearing, the panel conferred and made the following order:

- (a) THAT the Student is guilty of knowingly committing plagiarism, contrary to section B.I.1(d) of the *Code of Behaviour on Academic Matters*;
- (b) THAT the Student is guilty of knowingly concocting a purported reference to a source, contrary to section B.I.1(f) of the *Code of Behaviour on Academic Matters*;

¹ See also *In the matter of The University of Toronto and D* (October 2009).

- (c) THAT the Tribunal imposes the following sanctions on the Student:
- (i) she shall receive a final grade of zero in GGR 378 – Natural Hazards: Risk and Vulnerability;
 - (ii) she shall be suspended from the University from the date of this order until August 20, 2015;
 - (iii) the sanction shall be recorded on her academic record and transcript will bear a notation of this sanction from the date of this order until August 20, 2016; and
- (d) 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 name of the student withheld.

DATED at Toronto, November 12, 2012.



Jeffrey S. Leon,
Co-Chair