

**THE UNIVERSITY OF TORONTO  
UNIVERSITY TRIBUNAL  
TRIAL DIVISION**

**IN THE MATTER OF** charges of academic dishonesty filed on January 24, 2012,

**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 -**

**S [REDACTED] P [REDACTED]**

**REASONS FOR DECISION**

**Hearing Date: June 14, 2012**

**Members of the Panel:**

Ms. Sarah Kraicer, Barrister and Solicitor, Chair

Professor Bruno Magliocchetti, Department of Italian Studies, Faculty Panel Member

Ms. Melvin Sert, Student Panel Member

**Appearances:**

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Barristers

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

**In Attendance:**

Ms. S [REDACTED] P [REDACTED], the Student

Professor Sam Solecki, Dean's Designate, Faculty of Arts and Science

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

## REASONS FOR DECISION

1. Trial Division of the University Tribunal was convened on June 14, 2012 to consider charges brought by the University of Toronto (the "University") against S [REDACTED] P [REDACTED] (the "Student") under the *University of Toronto Code of Behaviour on Academic Matters, 1995* (the "Code").

### **The Charges**

2. The charges against the Student were as follows:

1. On or about March 30, 2011, you knowingly represented the ideas or the expressions of the ideas of another as your own work in an essay entitled "Review Essay: The Rise & Fall of a Palestinian dynasty, Ilan Pappé" ("Essay") submitted in the University of Toronto course NMC378H1 ("Course"), contrary to section B.I.1(d) of the Code.

2. On or about March 30, 2011, you knowingly submitted the Essay 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.

3. In the alternative, by submitting the Essay 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 Plea**

3. The Student attended the hearing, was represented by a law student from Downtown Legal Services, and entered a plea of guilty to Charge 1 and Charge 2. The University agreed that if the Tribunal were to convict the Student on Charges 1 and 2, the University would withdraw Charge 3.

### The Agreed Statement of Facts

4. The Tribunal was advised at the outset of the hearing that the University and the Student had entered into an Agreed Statement of Facts, which is attached as Appendix “A” to these reasons. The Tribunal also received into evidence, on consent, a Joint Book of Documents containing documents referred to in the Agreed Statement of Facts.

5. The facts giving rise to the charges are set out in detail in the Agreed Statement of Facts and Joint Book of Documents. Assistant Discipline counsel provided an overview of the facts and documents supporting the charges. The key facts are summarized below.

6. The Student first registered as a student at the University of Toronto in the Faculty of Arts & Science in Fall 2007. At all material times, the Student remained enrolled at the University.

7. In the 2011 Winter term, the Student was enrolled in NMC 378H1S – Themes in Modern Arab History, taught by Professor James Reilly. In the course syllabus, students were reminded to: “Pay careful attention to the plagiarism handout available via the course website.”

8. One of the course requirements required students to submit a book essay, worth 30% of the course mark. Students were given a handout describing the requirements for the book essay. Students were instructed to write an essay on one of the books on the additional reading list, and that they were not expected to use additional sources other than the book chosen. The Student chose a book by Ilan Pappé – *The Rise and Fall of a Palestinian Dynasty: The Husaynis, 1700-1948* (“Pappé Book”). The handout contained a box at the bottom which read, in part, “**Important notice:** Carefully heed the university policy on plagiarism and advice on best practices. See the relevant handout on the course website, or access it directly at [website address] ...”

9. The Student submitted a paper entitled “Review Essay: The Rise & Fall of a Palestinian Dynasty, Ilan Pappé”, on March 30, 2011. The Essay referenced the Pappé

Book throughout, but contained no other references. Nonetheless, the Essay reproduced verbatim or nearly verbatim passages from several articles and a blog, without attribution of any kind. In addition, the Essay quoted passages from the Pappe Book which were not cited in the Essay; and cited numerous pages from the Pappe Book which did not correspond to the passage quoted. The Essay did not use quotation marks to indicate direct quotes from the Pappe Book or any of the other unattributed sources.

10. The Student met with the Dean's Designate for Academic Integrity on December 15, 2011, to discuss the offence of plagiarism in the Essay. The Student admitted at the Dean's meeting that the Essay was plagiarized.

11. The Student admits that she knowingly:

- (a) included verbatim and nearly verbatim excerpts from secondary sources, including, but not limited to:
  - (i) Ilan Pappe's book "*The Rise and Fall of a Palestinian Dynasty*"
  - (ii) Illan Pappe, "*The Rise and Fall of the Husaynis, 1840-1922 (part 1)*", *Jerusalem Quarterly*, Autumn 2000, pp. 27-38 ("Jerusalem Quarterly Article")
  - (iii) online article "*The Liar as Hero*", posted March 22, 2011 ("Benny Morris Blog") and
  - (iv) online article "*The Rise and Fall of a Palestinian Dynasty: the Husaynis 1700-1948*", posted December 9, 2010 ("New Statesman Article");
- (b) failed to attribute those excerpts appropriately using quotation marks;
- (c) failed to attribute the true source of many of the excerpts through accurate references or footnotes;

- (d) represented as her own an idea or expression of an idea or work of another;
- (e) committed the academic offence of plagiarism with respect to the Essay contrary to section B.I.1.(d) of the Code, as set out in charge #1 of the Charges
- (f) concocted references that she included in the Essay, contrary to section B.I.1.(f) of the Code, as set out in charge #2 of the Charges

### **Decision of the Tribunal on Charges**

12. After reviewing the facts set out in the Agreed Statement of Facts and the documents contained in the Joint Book of Documents, the Tribunal concluded that the facts proven established the charges to which the Student had entered a plea of guilty. The Tribunal accepted the Student's guilty plea on Charge 1 and Charge 2 and entered a finding of guilt with respect to those Charges. The University withdrew Charge 3.

### **Sanction**

13. The University and the Student provided the Tribunal with an Agreed Statement of Facts for Sanction, attached to these reasons as Appendix "B", containing additional facts and documents that they wished the Tribunal to consider in relation to its determination of sanction. These facts are as follows:

- (a) The Student has committed the following previous offences under the Code:
  - (i) In the Fall 2007 term she admitted to having submitted an assignment for credit in ENG110Y1Y worth 15% which contained material taken from various sources without appropriate acknowledgement. She admitted to having committed plagiarism at a Dean's meeting, and was given a mark of zero for the assignment together with a further reduction

of her final grade in the course of 15 marks, together with a notation on her transcript for 2 years to November 30, 2009. The student explained that she made a “very stupid move”, “gave in to the pressure and didn’t bother to do further research”. When asked if anything happening in her life had affected her judgment she said that “anything happening in your life doesn’t really relate to the paper, in my opinion, the essay I hand in should be from my own thoughts”, and “I guess I just got lazy”. She further explained that “she got scared writing her own thoughts”.

The Dean’s Designate’s letter to the Student summarizing the meeting and the penalty stated, “You said that you knew that what you had done was wrong, were very sorry, and would not act similarly in future ... while I hope that you have learned from this experience, I must warn you that a second offence will be treated more severely.”

(ii) In the summer term of 2009 the Student admitted to having submitted an assignment for credit in POL201Y1Y worth 25% of the course mark that was plagiarized, with concocted references. The Student described family issues which took her mind off school. She was given a mark of zero in the course, a 12 month suspension from September 1, 2009 to August 31, 2010, and a notation on her transcript from July 16, 2009 to graduation.

The Dean’s Designate’s letter to the Student summarizing their meeting and penalty indicated, “You stated that serious personal circumstances had distracted you from your schoolwork, and that you had hurriedly composed the paper in question only the night before it was due.... I hope that you have learned from this experience, but must warn you that a further offence will be treated more severely.”

(iii) Subsequently, while serving her suspension, the Student also admitted to having plagiarized the work of another student in POL200Y1 in the same 2009 Summer term, with a 96% match identified by Turnitin.com.

The Student submitted the paper in issue before she had met with the course instructor for the concurrent offence described in paragraph 13(a)(ii) above. The Student was given a mark of zero in the course.

The Dean's Designate e-mail correspondence to the Student on this matter indicated that the Student waived the opportunity to meet to discuss the matter and accepted the sanction proposed. That correspondence included the following warning: "Finally, while I am confident that you have learned from this and other experiences and will stringently follow the rules and regulations of the University in the future, I must warn you that any further offence will be dealt with much more severely."

(b) The Student was involved in a car accident on May 31, 2010, in which she suffered minor injuries. The litigation arising from that accident has caused the Student emotional and financial stress.

14. The University and the Student made a Joint Submission on Penalty to the Tribunal. The Joint Submission is attached as Appendix "C". It proposed that the appropriate sanction in all the circumstances is as follows:

- (a) a final grade of zero in NMC 378H1S in the 2011 Winter term;
- (b) a suspension from the University to commence June 14, 2012 and to end June 13, 2017;
- (c) a notation of the sanction on her academic record and transcript from the date of the Order until the earlier of her graduation from the University or June 13, 2019.

15. The Joint Submission further stated that it would be appropriate for the Tribunal to report this case to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed in the University newspapers, with the name of the student withheld.

16. In oral submissions, counsel for the University submitted that the penalties proposed in the Joint Submission were appropriate in all of the circumstances, and were generally consistent with prior Tribunal decisions in similar circumstances. This was the Student's fourth offence related to plagiarism. The conduct in question took place after the Student had been sanctioned and warned on three previous occasions for plagiarism-related conduct. The University pointed out that the Student had engaged in the conduct in question in the Winter Term of 2011, after only one term had elapsed since serving a 12 month suspension for earlier plagiarism that ran until August 2010. The University submitted that there were no mitigating circumstances to be considered: the Student was stressed but simply cut corners and was lazy about completing work, and the agreed facts regarding the car accident were not sufficiently temporally or causally linked to the conduct to be considered a mitigating factor. The University did note the Student's cooperation and participation throughout the discipline process.

18. The Student's representative also made oral submissions in support of the Joint Submission. She indicated that the Student accepted responsibility from the first opportunity, did not mislead the University, and has admitted fault in these proceedings. While this was the fourth incident of plagiarism, the second and third offences were addressed concurrently by the University. The Student does not rely on the car accident and resulting emotional and financial stress as an excuse for her behaviour or a mitigating circumstance, but as part of the context for her actions. A five year suspension will have a severe impact on the Student and a strongly deterrent effect on other students. The Student submits that expulsion is not warranted in the circumstances, and would not be in keeping with the sanctions ordered by the Tribunal in other similar cases.

#### **Decision of the Tribunal on Sanction**

19. There is a high threshold that must be met for the tribunal to reject a joint submission. Only where the Tribunal is of the view that accepting the joint submission



would bring the administration of justice into disrepute should it substitute its own sanction.

20. The Tribunal has concluded that the Joint Submission sets out reasonable sanctions in the circumstances, and accepts the joint submission.

21. The Tribunal considered the factors that govern its decision on sanction as set out in *The University of Toronto and Mr. C*, dated November 5, 1976 at pp. 12 (file no. 1976/77-3). The Student has repeatedly, and despite warnings and progressive discipline sanctions, committed plagiarism. Significant portions of the Essay in question were plagiarized and references concocted. These are serious academic offences that undermine the trust between University and student, threaten the integrity of grades issued by the University, and constitute unfairness to other students who comply with the Code. The Tribunal has also taken into account the Student's cooperation with the University throughout, and that she has indicated acceptance of responsibility for her conduct by appearing at the hearing, agreeing to the relevant facts and pleading guilty to the charges.

22. The Tribunal also notes that the Joint Submission is broadly consistent with the range of sanctions imposed by the Tribunal in similar cases. In *Re A* [redacted] the panel ordered a 5 year suspension for a fourth offence of plagiarism. In *Re F* [redacted], the panel ordered a 4 year suspension for a third offence. In *Re J* [redacted], the panel ordered a 4 year 4 month suspension for a fourth offence of plagiarism, but noted that as the student had voluntarily chosen not to register at the University for the year previous to the date the suspension commenced, so the impact of the suspension was for 5 and one half years.

### **Order**

23. The Tribunal accepts the Joint Submission on penalty and orders:

- (a) THAT the Student is guilty of one count of plagiarism, contrary to section B.I.1(d) and one count of concocted sources contrary to section B.I(1)(f) of the Code of Behaviour on Academic Matters;
- (b) THAT the Student receive a final grade of zero in NMC 378H1S;
- (c) THAT the Student be suspended from the University for a period of five years, commencing on June 14, 2012 and ending on June 13, 2017;
- (d) THAT the sanction be recorded on the Student's academic record and transcript to the effect that she was sanctioned for academic misconduct, for a period of seven years from the date of the Order to June 13, 2019, or until her graduation from the University, whichever is earlier;
- (e) 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 name of the student withheld.

Dated this 9<sup>th</sup> day of August, 2012

  
\_\_\_\_\_  
Sarah Kraicer, Co-Chair

## APPENDIX A



### *Charges and Guilty Plea*

2. This hearing arises out of charges of academic misconduct filed by the Provost under the Code. Charges were filed against Ms. P [REDACTED] on January 24, 2012. A copy of the Charges is included in the JBD at Tab 1. Ms. P [REDACTED] acknowledges that she received copies of the Charges.

3. Ms. P [REDACTED] waives the reading of the Charges. Ms. P [REDACTED] hereby pleads guilty to Charge #1 and #2.

4. The Notice of Hearing into the Charges is included in the JBD at Tab 2. Ms. P [REDACTED] acknowledges that she has received reasonable notice of this hearing.

5. The Provost agrees that if the Tribunal convicts Ms. P [REDACTED] on Charge #1 and #2, the Provost will withdraw Charge #3.

6. Ms. P [REDACTED] first registered as a student at the University of Toronto in the Faculty of Arts & Science in Fall 2007. At all material times, Ms. P [REDACTED] remained enrolled at the University. A copy of Ms. P [REDACTED]'s academic record dated June 1, 2012 is included in the JBD at Tab 3.

7. In the 2011 Winter term Ms. P [REDACTED] was enrolled in NMC 378H1S – Themes in Modern Arab History, taught by Professor James Reilly. In the course syllabus, students were reminded to: "Pay careful attention to the plagiarism handout available via the course website." A copy of the course syllabus ("Syllabus") is included in the JBD at Tab 4.

8. One of the course requirements required students to submit a book essay, worth 30% of the course mark. Students were given a handout describing the requirements for the book essay. Students were instructed to write an essay on one of the books on the additional reading list, and that they were not expected to use additional sources other than the book chosen. Ms. P [REDACTED] chose a book by Ilan Pappé – *The Rise*

*and Fall of a Palestinian Dynasy: The Husaynis, 1700-1948* ("Pappe Book"). The handout contained a box at the bottom which read, in part, "**Important notice:** Carefully heed the university policy on plagiarism and advice on best practices. See the relevant handout on the course website, or access it directly at [website address] ...". A copy of the instructions for the book essay are included in the JBD at Tab 5.

9. Ms. P [REDACTED] submitted a paper entitled "Review Essay: The Rise & Fall of a Palestinian Dynasty, Ilan Pappe", on March 30, 2011 ("Essay"). A copy of the Essay is included in the JBD at Tab 6.

10. The Essay referenced the Pappe Book throughout, but contained no other references. Nonetheless, the Essay reproduced verbatim or nearly verbatim passages from several articles and a blog, without attribution of any kind. In addition, the Essay quoted passages from the Pappe Book which were not cited in the Essay; and cited numerous pages from the Pappe Book which did not correspond to the passage quoted. The Essay did not use quotation marks to indicate direct quotes from the Pappe Book or any of the other unattributed sources.

11. A copy of the Essay, highlighted and coded to match the source material, is included in the JBD at Tab 7. The unattributed and/or inadequately referenced source documents are included in the JBD at Tabs 8 to 11.

12. None of the reproduced passages were identified through the use of quotation marks or any other method of indicating that they were verbatim or nearly verbatim quotes.

13. Ms. P [REDACTED] met with the Dean's Designate for Academic Integrity on December 15, 2011, to discuss the offence of plagiarism in the Essay. Ms. P [REDACTED] admitted at the Dean's meeting that the Essay was plagiarized.

14. Ms. P [REDACTED] admits that she knowingly:

- (a) Included verbatim and nearly verbatim excerpts from secondary sources, including, but not limited to:
- (i) Ilan Pappé's book "*The Rise and Fall of a Palestinian Dynasty*" ("Pappé Book") (Tab 8);
  - (ii) Ilan Pappé, "*The Rise and Fall of the Husaynis, 1840-1922 (part 1)*", *Jerusalem Quarterly*, Autumn 2000, pp. 27-38 ("Jerusalem Quarterly Article") (Tab 9);
  - (iii) online article "*The Liar as Hero*", posted March 22, 2011 ("Benny Morris Blog") (Tab 10); and
  - (iv) online article "*The Rise and Fall of a Palestinian Dynasty: the Husaynis 1700-1948*", posted December 9, 2010 ("New Statesman Article") (Tab 11);
- (b) failed to attribute those excerpts appropriately using quotation marks;
- (c) failed to attribute the true source of many of the excerpts through accurate references or footnotes;
- (d) represented as her own an idea or expression of an idea or work of another;
- (e) committed the academic offence of plagiarism with respect to the Essay contrary to section B.I.1.(d) of the Code, as set out in charge #1 of the Charges (at Tab 1);
- (f) concocted references that she included in the Essay, contrary to section B.I.1.(f) of the Code, as set out in charge #2 of the Charges (at Tab 1).

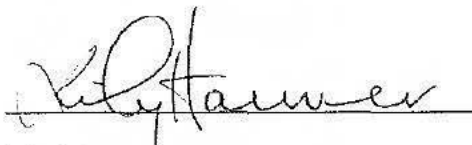
15. Ms. P [REDACTED] acknowledges that:

- (a) The Provost of the University has advised Ms. P [REDACTED] of her right to obtain legal counsel and that Ms. P [REDACTED] has done so; and
- (b) She is signing this ASF freely and voluntarily, knowing of the potential consequences she faces, and does so with the advice of counsel.

Signed on June 14, 2012.

[REDACTED]  
S [REDACTED] P [REDACTED]

Signed on June 14, 2012.

  
Lily Harmer  
Assistant Discipline Counsel  
University of Toronto



## APPENDIX B

THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on January 24, 2012,

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 -

S [REDACTED] P [REDACTED]

AGREED STATEMENT OF FACTS FOR SANCTION

1. Ms. P [REDACTED] has committed the following previous offences under the Code:

- (a) In the Fall 2007 term she admitted to having submitted an assignment for credit in ENG110Y1Y worth 15% which contained material taken from various sources without appropriate acknowledgement. She admitted to having committed plagiarism at a dean's meeting, and was given a mark of zero for the assignment together with a further reduction of her final grade in the course of 15 marks, together with a notation on her transcript for 2 years to November 30, 2009. The student explained that she made a "very stupid move", "gave in to the pressure and didn't bother to do

further research". When asked if anything happening in her life had affected her judgment she said that "anything happening in your life doesn't really relate to the paper, in my opinion, the essay I hand in should be from my own thoughts", and "I guess I just got lazy". She further explained that "she got scared writing her own thoughts". A letter to Ms. P [REDACTED] from the Dean's Designate dated February 4, 2008 is attached at Tab 1.

(b) In the summer term of 2009 Ms. P [REDACTED] admitted to having submitted an assignment for credit in POL201Y1Y worth 25% of the course mark that was plagiarized, with concocted references. Ms. P [REDACTED] described family issues which took her mind off school. She was given a mark of zero in the course, a 12 month suspension from September 1, 2009 to August 31, 2010, and a notation on her transcript from July 16, 2009 to graduation. A letter to Ms. P [REDACTED] from the Dean's Designate dated September 18, 2009 is attached at Tab 2.

(c) Subsequently, while serving her suspension, Ms. P [REDACTED] also admitted to having plagiarized the work of another student in POL200Y1 in the same 2009 Summer term, with a 96% match identified by Turnitin.com. Ms. P [REDACTED] submitted the paper in issue before she had met with the course instructor for the concurrent offence described in paragraph 1(b) above. Ms. P [REDACTED] was given a mark of zero in the course. A copy of a letter dated March 10, 2010 from the Dean's Designate is attached at Tab 3.

2. Ms. P [REDACTED] was involved in a car accident on May 31, 2010, in which she suffered minor injuries. The litigation arising from that accident has caused Ms. P [REDACTED] emotional and financial stress.

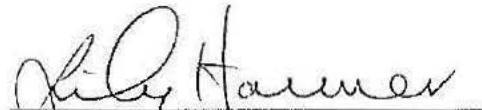
3. Ms. P [REDACTED] acknowledges that:

- (a) The Provost of the University has advised Ms. P [REDACTED] of her right to obtain legal counsel and that Ms. P [REDACTED] has done so; and
  
- (b) She is signing this ASF freely and voluntarily, knowing of the potential consequences she faces, and does so with the advice of counsel.

Signed on June 14, 2012.

[REDACTED]  
S [REDACTED] P [REDACTED]

Signed on June 14, 2012.

  
Lily Harmer  
Assistant Discipline Counsel  
University of Toronto

## APPENDIX C

THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on January 24, 2012,  
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 -

S ■■■ P ■■■■■■■■■■

JOINT SUBMISSION ON PENALTY

1. For the purposes of the sanction phase of this hearing under the *Code of Behaviour on Academic Matters* ("Code"), the University of Toronto (the "University") and S ■■■ P ■■■■■■■■■■ have prepared this Joint Submission on Penalty.

2. The Provost and Ms. P ■■■■■■■■■■ submit that the appropriate penalty in all the circumstances of the case is that the University Tribunal impose the following sanctions on Ms. P ■■■■■■■■■■:

- (a) a final grade of zero in NMC 378H1S in the 2011 Winter term;
- (b) a suspension from the University to commence June 14, 2012 and to end June 13, 2017;
- (c) a notation of the sanction on her academic record and transcript from the date of the Order until the earlier of her graduation from the University or June 13, 2019.

3. The Parties further submit that it is appropriate for the Tribunal to report this case to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed in the University newspapers, with the name of the student withheld.

Signed on June 14, 2012.

[Redacted signature]  
S P [Redacted]

Signed on June 14, 2012.

*Lily Harmer*  
Lily Harmer  
Assistant Discipline Counsel  
University of Toronto

NO. 4

THE UNIVERSITY TRIBUNAL  
UNIVERSITY OF TORONTO  
AND

MS. S P [Redacted]

This Exhibit is produced by

the UNIVERSITY

this 14<sup>th</sup> day of JUNE, 2012.

*[Signature]*