

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION**

Members of the Panel:

Ronald G. Slaght, Q.C., Co-Chair
Ellen Hodnett, Faculty Panel Member
Asma Khan, Student Panel Member

IN THE MATTER of the *University of Toronto Act, 1971*, S.O. 1971, c. 56, as amended;

AND IN THE MATTER of the *University of Toronto Code of Behaviour on Academic Matters, 1995*;

AND IN THE MATTER of disciplinary charges against Mr. L.

Mathew Lewans, agent for Mr. L.
Robert A. Centa, Assistant Discipline Counsel, for the University

BACKGROUND

[1] The Trial Division of the University Tribunal was convened on September 29, 2004 to consider charges brought under the *Code of Behaviour on Academic Matters, 1995* laid against Mr. L. by letters dated June 23, 2004 and August 27, 2004 from the Vice-President and Provost, Professor Vivek Goel.

[2] The letter of June 23, 2004 contained the following charges:

1. On or about April 13, 2004 you knowingly represented as your own, an idea or expression of an idea, and/or work of another in connection with a form of academic work, namely, “Defensive Tactics”, an essay you submitted to fulfil the course requirements of LAW 293H, contrary to Section B.I.1.(d) of the *Code of Behaviour on Academic Matters, 1995* (“Code”). Pursuant to Section B of the *Code* Wherever an offence is described as depending on “knowing”, the offence shall likewise be deemed to have been committed if that person ought reasonably to have known.

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2. In the alternative, on or about April 13, 2004, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind in an essay submitted to fulfil course requirements in LAW 293H contrary to Section B.I.3.(b) of the *Code*. Pursuant to Section B of the *Code* you are deemed to have committed the offence knowingly if you ought reasonably to have known that you engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind.

[3] The letter of August 27, 2004 contained the following charges:

1. On or about June 1, 2004 you knowingly represented as your own, an idea or expression of an idea, and/or work of another in connection with a form of academic work, namely, the introduction to your master's thesis, contrary to Section B.I.1.(d) of the *Code of Behaviour on Academic Matters, 1995* ("*Code*"). Pursuant to Section B of the *Code* wherever an offence is described as depending on "knowing", the offence shall likewise be deemed to have been committed if that person ought reasonably to have known.
2. In the alternative, on or about June 1, 2004, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind in a document submitted to fulfil your master's degree requirements contrary to Section B.I.3.(b) of the *Code*. Pursuant to Section B of the *Code* you are deemed to have committed the offence knowingly if you ought reasonably to have known that you engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind.

[4] Mr. L. pled guilty to charge number one (1) dated June 23, 2004, and he pled guilty to charge number one (1) dated August 27, 2004.

[5] By way of Agreed Statement of Facts, the parties provided the panel with the relevant details. Mr. L. is a graduate student working towards his LL.M. In November 2003, Mr. L. admitted that he plagiarized a written assignment for the course LAW 245Y. The sanctions imposed at the divisional level were a failing grade on the paper and a reduced final grade. In April 2004, Mr. L. submitted a paper in LAW 293H, which he admits was plagiarized. He had referenced most of the original source material in footnotes, but he failed to indicate that he had quoted verbatim from the original source material. In June 2004, Mr. L. submitted an 8-1/2 page introduction to his Master's thesis that he admits was plagiarized. He had referenced most of the original source

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material in footnotes, but he failed to indicate that he had quoted verbatim from the original source material.

[6] The panel accepted the Agreed Statement of Facts and guilty pleas. A guilty verdict on charge number one (1) dated June 23, 2004 was entered, and a guilty verdict on charge number (1) dated August 27, 2004 was entered. Upon conviction, the University withdrew charge number two (2) dated June 23, 2004 and charge number two (2) dated August 27, 2004.

[7] During the course of the proceeding, the student admitted that the entire paper that was the subject matter of charge one (1) dated June 23, 2004, was plagiarized. Previously, only the first half of the paper had been identified as such.

**REASONS FOR SANCTION
(Delivered Orally)**

[8] On balance, the panel was prepared to accept the Joint Submission on Sanction. There was no issue with respect to the grade of zero on the course LAW 293H. With respect to the suspension, the panel carefully considered whether or not three years was adequate. We were troubled by the incident in November 2003. Clearly the issue that comes before us tonight had been raised at that time. We wondered whether any lesson had been learned and it troubled the panel greatly.

[9] We also appreciate that a three (3) year suspension is at the most severe end of what is afforded in such cases. We came to the conclusion that there was no fraudulent intent on the part of Mr. L. We noted the way the paper and the Introduction to the Master's thesis were constructed, particularly the use of footnotes. Mr. L. clearly provided a pathway to being discovered without much difficulty through the use of footnotes. We also, to some extent, took into consideration that the admission that the balance of the paper in LAW 293H was constructed in the same fashion. This was not something that the student was obligated to admit, but we appreciated that frank answer. We are hopeful that after the lengthy period of suspension the student will be able to return and complete his work.

[10] The panel therefore imposed the following sanctions:

1. A grade of zero in the course LAW 293H;
2. Suspension from the University for a period of three years beginning September 1, 2004 and ending September 1, 2007;
3. A notation to remain on the student's academic record for a period of five years beginning September 1, 2004 and ending September 1, 2009; and,

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4. This case is to be reported to the Provost for publication of the decision and the sanctions imposed in the University newspapers with the name of the student withheld.

I certify that this is the decision of the panel:

"October 8, 2004"

Date

"R. Slaght"

Ronald G. Slaght, Q.C.