

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on September 10, 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*

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

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REASONS FOR DECISION

Date of Hearing: November 22, 2018

Members of the Panel:

Ms. Amanda Heale, Chair
Prof. Margaret MacNeill, Faculty Panel Member
Ms. Ching Yi Cho, Student Panel Member

Appearances:

Ms. Tina Lie, Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Mr. Gianluca de Gasperi Delpino, Legal Representative for the Student (Downtown Legal Services)

In Attendance:

Ms. Q ■■■ H ■■■■ the Student

Hearing Secretary

Ms. Krista Osbourne, Administrative Clerk and Hearing Secretary, Office of the Appeals, Discipline and Faculty Grievances, University of Toronto

Introduction

1. A hearing before the University Tribunal (the “Tribunal”) was convened on November 22, 2018 to consider the Charge (as defined below) against the Student, Q■■■■ H■■■■ (the “Student”). The Student attended the hearing, and was represented by a caseworker from Downtown Legal Services.

The Charge

2. The charges against the Student (the “Charges”) are as follows:
- (a) On or about September 28, 2016, the Student knowingly represented as her own an idea or expression of an idea or work of another in an assignment the Student submitted in CCT210H5F (Signs, Referents, and Meaning) (the “Course”), contrary to Section B.I.1(d) of the Code.
 - (b) In the alternative, on or about September 28, 2016, the Student knowingly obtained unauthorized assistance in connection with an assignment the Student submitted in the Course, contrary to section B.I.1(b) of the Code.
 - (c) In the further alternative, on or about September 28, 2016, 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 an assignment the Student submitted in the Course, contrary to section B.I.3(b) of the Code.

Particulars

1. At all material times the Student was a student at the University of Toronto Mississauga.
2. In Fall 2016, the Student enrolled in the Course, which was taught by Elizabeth Peden.
3. On or about September 28, 2016, the Student submitted an assignment in the Course, which was worth 10% of the Student’s final grade in the Course (the “Assignment”).
4. The Student submitted the Assignment:

- (a) to obtain academic credit;
- (b) knowing that it contained ideas, expressions of ideas or work which were not the Student's own, but were the ideas, expressions of ideas or work of others, including a student who had previously submitted an assignment in the Course in Summer 2016 (the "Source"); and
- (c) knowing that the Student did not properly reference the ideas, expressions of ideas or work that the Student drew from the Source.
- (d) The Student knowingly obtained unauthorized assistance from the Source.
- (e) The Student knowingly submitted the Assignment with the intention that the University of Toronto Mississauga rely on it as containing the Student's own ideas or work in considering the appropriate academic credit to be assigned to the Student's work.

Agreed Statement of Facts

5. The hearing proceeded on the basis of an Agreed Statement of Facts (the "ASF"), which was marked as Exhibit 1. The parties also presented a Joint Book of Documents (the "JBD") that is referred to in the ASF, which was marked as Exhibit 2. A summary of the agreed facts follows.

The Course

6. In Fall 2016, the Student enrolled in the Course, which was taught by Elizabeth Peden.

7. A copy of the course syllabus for the Course was provided in the JBD. The course syllabus included a section on Academic Integrity, in which the seriousness of cheating and plagiarism was emphasized, a link to the Code of Behaviour on Academic Matters on the Governing Council website was provided, and offences under the Code were described as including the use of someone else's ideas or words without appropriate acknowledgement, submitting work in more than one course without the instructor's permission, or obtaining or providing unauthorized assistance on any assignment, amongst other behaviour.

8. Students in the Course were required to submit a short written assignment, worth 10% of their final grades, by September 28, 2016. They were required to submit their essays in hard copy to Turnitin.com, a service that compares the submitted work with works contained in the Turnitin.com database and available online.
9. On September 28, 2016, the Student submitted the Assignment to Turnitin. The Turnitin report identified a 30% similarity index with an assignment that had previously been submitted by another student in the Course, in Summer 2016 (referred to as the Source). A copy of the Turnitin.com report for the Assignment was provided to the Panel in the JBD, as was a copy of the Source.
10. Upon review, Ms. Peden determined that there were passages in the Assignment that were taken verbatim or nearly verbatim from the Source, without attribution. This was corroborated by the copies of the Turnitin.com report and the Source provided to the Panel.
11. On October 3, 2017, the Student met with Professor Catherine Seguin, Dean's Designate for Academic Offences. Professor Seguin gave the Student the warning that is required to be given under the *Code*, and the Student was represented by a caseworker from Downtown Legal Services. During the meeting, the Student read from a written statement in which she admitted to obtaining unauthorized assistance from another student in the Assignment. A copy of this statement was provided to the Panel in the JBD.
12. At the meeting, the Student entered a guilty plea to the offence of unauthorized assistance.
13. The Student admitted that she knowingly included verbatim or nearly verbatim passages from the Source in the Assignment, represented the ideas, expression of ideas or work of another as her own in the Assignment, and committed plagiarism in the Assignment.

Findings on Charges

14. Following deliberations and based on the ASF and the JBD, the Panel concluded that the first charge (as outlined in paragraph 2 above) had been proven with clear and convincing evidence on a balance of probabilities, and accepted the guilty plea of the Student in respect of that charge. The Panel was advised that if the Tribunal convicts the Student on the first charge, the University would withdraw the alternative and further alternative charges.

Penalty

15. The University and the Student submitted an Agreed Statement of Facts (the “ASF on Penalty”) and Joint Submission on Penalty (the “JSP”), which were marked as Exhibit 3 and Exhibit 4, respectively.

16. The ASF on Penalty describes three prior offences committed by the Student. Two of these offences, both of plagiarism, were committed in the same course, in Summer 2015. Sanctions in respect of these offences were imposed following a Dean’s designate meeting in late 2015. The third offence, which took place contemporaneously with the instant plagiarism offence, was of aiding another to commit the offence of unauthorized assistance with respect to an assignment. The Student admitted to that offence and sanctions were imposed in late 2016.

17. In the JSP, the parties submitted that the Tribunal should impose the following sanctions on the Student:

- a) a final grade of zero in the Course;
- b) a suspension from the University of Toronto from the day the Tribunal makes its order for a period of three years, to November 21, 2021; and
- c) a notation of the sanction on her academic record and transcript from the day the Tribunal makes its order until graduation.

18. The parties also submitted that 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.

19. In the JSP, the Student undertook to complete at least six programs or workshops offered by the University of Toronto Mississauga Robert Gillespie Academic Skills Centre and/or the St. George Campus College Writing Centre within the first two terms in which she is next registered for a course at the University of Toronto. In the event that such workshops are not available at the time the Student attempts to complete them, the University agreed, acting reasonably, to propose alternate and equivalent programs for the Student to fulfil her undertaking.

20. Both counsel provided submissions on the high threshold required for a Tribunal to deviate from a joint submission on penalty. As set out in the Discipline Appeals Board decision in *S.F. and The University of Toronto* (Case No. 690 – Appeal, dated October 20, 2014), only truly unreasonable or “unconscionable” joint submissions should be rejected (para 22).

21. In the Panel’s view, the joint submission in this case is reasonable. In this regard, the Panel took into consideration the nature of the offence, as well as the prior, similar offences committed by the Student.

22. However, there were also mitigating factors to consider. The Student had cooperated in the process and entered into the ASF and JSP, thereby showing that she had accepted responsibility for her conduct. The Panel also noted that the Student’s undertaking to complete programs or workshops to improve her academic and writing skills upon her return to the University is a positive step.

Order

23. For the foregoing reasons, the University Tribunal ordered:

- a) **THAT** the Student is guilty of one count of knowingly representing as her own an idea or expression of an idea or work of another in an assignment that she submitted in CCT210H5F, contrary to section B.I.1(d) of the Code of Behaviour on Academic Matters.
- b) **THAT** the following sanctions shall be imposed on the Student:
- i. a final grade of zero in the course CCT210H5F in Fall 2016;
 - ii. a suspension from the University of Toronto from the day the Tribunal made its order for a period of three years, to November 21, 2021; and
 - iii. a notation of the sanction on the Student's academic record and transcript from the day the Tribunal made its order until graduation.
- c) **THAT** this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the Student's name withheld.

Dated at Toronto, this 22 of February, 2019,



Ms. Amanda Heale, Chair