

THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on May 9, 2005;

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 -

I. A.

Members of the Panel:

- Michael Hines, Co-Chair
- Dipka Das, Student Panel Member
- James Rini, Faculty Panel Member

Appearances:

- Mr. Robert Centa, Assistant Counsel
- Mr. I. A., the Student, did not appear

[1] The Trial Division of the University Tribunal was convened on March 19, 2007 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the "Code") laid against the Student by letter dated May 9, 2005 from Professor Edith Hillan, Vice-Provost, Academic.

[2] The Vice-Provost's letter advised the Student that he had been charged with two offences concerning an essay that he had submitted to fill the course requirements of PHL235H5F. Specifically, he was charged with plagiarism under section B.I.1(d) and

academic dishonesty contrary to section B.1.3(d) of the Code of Behaviour on Academic Matters, 1995 ("Code").

[3] The matter proceeded before the Tribunal on September 26, 2005. However, the hearing was adjourned due to the absence of the Student. The hearing was reconvened on September 21, 2006. Once again, the Student was not present. A further adjournment was granted peremptory to March 19, 2007. Once again, the Student was not present. However, by this time, the Assistant Discipline Counsel for the University of Toronto had reached an Agreed Statement of Facts with the Student concerning the matters in question. That Agreed Statement of Facts is reproduced immediately below.

[4] Exhibit 5:

University of Toronto

and

I. A.

Agreed Statement of Facts

- i. In September 2001, the Student registered at the University of Toronto.
- ii. In Fall 2004, the Student enrolled in PHL235H5, Philosophy of religion: Readers and Writers of Sacred Texts ("Course"), which was taught by Prof. Nandita Biswas Mellamphy.
- iii. On October 20, 2004, the Student handed in "Yahweh of the Book of J", in partial completion of course requirements ("Paper"). The Paper was worth 30% of the final grade of the course.
- iv. The Student admits that several passages of the Paper were taken verbatim or virtually verbatim, and without attribution, from various Internet sources.
- v. The Student admits that in the Paper, he knowingly represented as his own an idea or expression of an idea and/or the work of another, contrary to section B.I.1(d) of the Code.
- vi. The Student admits that he is guilty of charge #1 of the Charges filed by the Provost on May 9, 2005, pursuant to the Code of Behaviour on Academic Matters.

Signed in Toronto on March 19, 2007.

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I. A., the Student

Signed in Toronto on March 19, 2007

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Robert A. Centa  
Assistant Discipline Counsel  
University of Toronto

- [5] On the basis of this Agreed Statement of Facts, the Panel reached a finding that the Student was guilty under charge #1 as listed in the Notice of Hearing. On consent, charge #2 was withdrawn.
- [6] The Panel was advised further that the Student had also agreed to a Statement of Facts concerning penalty. That Agreed Statement of Facts is now reproduced immediately below.
- [7] Exhibit 7:

University of Toronto and I. A.

Agreed Statement of Facts and Joint Submission on Penalty

- i. On May 13, 2002, the Student admitted the offence of plagiarizing a term paper submitted for credit in WRI203H. The Student waived his right to an interview with the Associate Dean, and accepted a sanction of a zero on the assignment, and a further reduction of his final grade in WRI203H by 14%. His transcript was annotated for a period of two years from May 1, 2002, to April 30, 2004.
- ii. The Student was eligible to apply for graduation from the University as of June 2005. He has not been enrolled in the University since that time.
- iii. A hearing into this matter was originally scheduled for September 26, 2005, but was adjourned.
- iv. The University of Toronto and the Student submit to the Tribunal that the appropriate penalty in all the circumstances of this case is that the Student
  - (a) receive a zero in the Course;
  - (b) be suspended from the University for a period of three years, with the suspension to run from September 26, 2005 to September 26, 2008; and
  - (c) have his academic record and transcript bear a notation of these academic offences until September 26, 2008.

The University of Toronto and the Student submit that the University should publish these offences with the Student's name withheld.

Signed March 19, 2006.

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I. A., the Student

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Robert A. Centa  
Assistant Discipline Counsel  
University of Toronto

[8] As reflected in paragraph 4 of the Agreed Facts, the parties had reached an agreement on the appropriate penalty in all of the circumstances of the case. The Panel reviewed this agreement and concluded that it did, indeed, reflect an appropriate penalty.

[9] Accordingly, the Panel hereby imposes the following sanctions, namely that the Student:

- (a) shall receive a 0 in PHL235H5F
- (b) shall be suspended from the University for a period of three years, with the suspension to run from September 26, 2005 to September 26, 2008 and
- (c) shall have his academic record and transcript bear a notation of these academic offences until September 26, 2008

[10] In reaching this decision, the Tribunal was mindful of the comments of the Ontario Court of Appeal in the case of R. v. Tsicos, 2006 CanLII 33849 (Ont. C.A.).

I certify that this is the decision of the Panel:

DATED at Toronto this *6th* day of *July*, 2009.



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Michael A. Hines