

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on July 30, 2008;

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 -

C [REDACTED] L [REDACTED]

Members of the Panel:

- Ms. Lisa Brownstone, Chair
- Professor Richard B. Day, Faculty Panel Member
- Mr. Mir Sadek Ali, Student Panel Member

Appearances:

- Mr. Robert Centa, Assistant Discipline Counsel
- Dr. Kristi Gourlay, Manager, Office of Student Academic Integrity

- Mr. Steve Frankel, Student Legal Representative
- Mr. C [REDACTED] L [REDACTED], Student

Preliminary

[1] The Trial Division of the University Tribunal was convened on February 2, 2009 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the "Code") laid against the student by letter dated July 30, 2008 from Professor Edith Hillan, Vice-Provost, Academic.

Hearing on the Facts

- [2] The two charges facing the student were the following:
- i. On or about March 27, 2008 you knowingly represented as your own, an idea or expression of an idea, and/or the work of another in a term paper titled "Radio; Transmission and Reception", which you submitted to fulfill the course requirements of PHY205 contrary to Section B.I.1(d) of the *Code*.
 - ii. In the alternative, on or about March 27, 2008, 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 in connection with a term paper titled "Radio; Transmission and Reception", which you submitted to fulfill the course requirements of PHY205, contrary to section B.I.3(b) of the Code.
- [3] Particulars of the charges were as follows:
- i. In Winter 2008 you enrolled in PHY205 ("Course") and you were a student in the Course at all material times.
 - ii. On or about March 27, 2008, you handed in a term paper titled "Radio; Transmission and Reception" to fulfill the Course requirements. This paper contained verbatim or nearly verbatim excerpts from websites and other sources. You knowingly failed to use quotation marks to indicate that you were quoting from another source. You knowingly failed to attribute appropriately these quotations to the sources from which you obtained them.
- [4] Discipline counsel for the University, Mr. Centa, introduced an *Agreed Statement of Facts*, which, including its attachments, was entered as Exhibit 1. Mr. Centa provided an overview of Exhibit 1:
- i. In the Fall of 2004, the Student registered at the University of Toronto in the Faculty of Arts and Science.

- ii. In the Winter of 2008, the Student enrolled in PHY205, *Physics of Everyday Life*, taught by Professor Kaley Walker. The course requirements included an essay worth 20% of the final grade, to be submitted on March 26, 2008.
- iii. On March 27, 2008, the Student submitted an essay, entitled *Radio Essay*, to fulfill the essay requirement. The Student admits that the *Radio Essay* contains verbatim and nearly verbatim excerpts from unacknowledged sources, and that those excerpts were not attributed appropriately using quotation marks. The Student admits that the Radio Essay consisted almost entirely of plagiarized material. Almost all of the pages comprising the Radio Essay were taken directly from unacknowledged internet sources. The Student admits that he did not use quotation marks to indicate that he had taken the material directly from internet sources.
- iv. The Student admits that he knew or ought to have known that he had represented as his own an idea or expression of an idea or work of another in the *Radio Essay*. The Student admits that he committed the academic offence of plagiarism with respect to the Radio Essay, and he pleads guilty to charge #1 of the Charges, which were attached.

Decision of the Tribunal

- [6] On the basis of the Agreed Statement of Facts, the Tribunal accepted the plea and found a contravention of the *Code* as set out in the first charge. At this time, the University withdrew the second charge.

Penalty Phase

- [7] The parties submitted *Agreed Statement of Facts & Joint Submission on Penalty*, which was entered as Exhibit 3. The following sanctions were recommended to the Tribunal by the parties:
- i. assignment of a final grade of zero in the course PHY205;
 - ii. suspension from the University from February 2, 2009 to September 1, 2012;
 - iii. notation on the Student's transcript from February 2, 2009 to September 1, 2014, stating that he has been found to have committed academic offences; and
 - iv. report to the Provost who may publish a notice of the decision of the University Tribunal and the sanctions imposed, with the Student's name withheld.
- [8] Discipline counsel reviewed the *Agreed Statement of Facts* supporting the *Joint Submission on Penalty*, a summary of which is provided here:

- i. The Student has previously admitted to committing two other academic offences for which he received sanctions at the Divisional Level, specifically:
 - a. On November 22, 2006, the Student admitted that he had taken computer code from a friend without that friend's permission and had used it to obtain unauthorized assistance to complete his own computer assignment in CSC108H. On that day, Professor Betty Roots, Dean's Designate for Academic Behaviour sent a letter to the Student imposing the following sanction:
 - a grade of zero on the assignment;
 - a further 20 mark reduction in the course; and
 - a two-year transcript notation.
 - b. On February 29, 2008, the Student admitted that, on February 15, 2008, he had submitted an essay in ECO301Y1Y, which was copied entirely from unacknowledged internet sources. On that day, Professor John Britton, the Dean's Designate for Academic Discipline imposed the following sanction:
 - a grade of zero on the assignment;
 - a suspension to run from May 15, 2008 to May 14, 2009; and
 - an annotation until graduation that the Student had been suspended for academic misconduct.
- ii. The Student admits that he committed his third offence on March 27, 2008, after having been advised that he would be suspended for one year at the end of the term.
- iii. The Student states that during late 2007 and 2008, he was affected by an illness suffered by his father. The Student states that the problem with his father's prostate gland was first detected in November or December of 2007. In January 2008, the Student states that his father was diagnosed with prostate cancer, underwent treatment, and was admitted to hospital for surgery on February 25, 2008. The Student states that his father had post-surgery lingering effects until June or July of 2008.

[9] Mr. Centa drew the panel's attention to the period of suspension proposed by the parties, noting that, if the panel accepted the *Joint Submission on Penalty*, part of the Student's suspension would run concurrently with the suspension imposed at the Divisional level on February 29, 2008. As such, the proposed sanction would result in a 4-year and 4-month suspension in respect of the Student's second and third offences.

[10] The Tribunal was reminded by counsel that, while not obliged to accept a joint submission on penalty, the joint submission should not be rejected unless to accept it would be contrary to the public interest or bring the administration of justice into disrepute. The Panel accepts and acknowledges that this is a high threshold for declining to accept a joint submission.

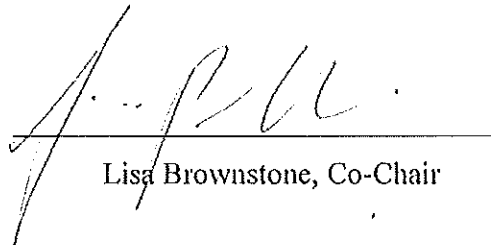
[11] Having regard to the facts in this case, in particular the aggravating fact that this was a third offence involving academic dishonesty, the mitigating facts that there was an admission, a guilty plea and co-operation by the student, the Panel is of the view that the agreed-upon sanction was within an appropriate range of sanction in the circumstances.

Sanction

[12] The Panel therefore accepted the joint submission on penalty, and makes the following order:

- (a) the assignment of a final grade of zero in the course PHY205;
- (b) a suspension from the University of Toronto from February 2, 2009 to September 1, 2012;
- (c) a notation on the Student's academic record and transcript stating that he has been found to have committed academic offences, such notation to run from February 2, 2009 to September 1, 2014; and
- (d) a report of this case to the Provost who may publish a notice of the decision of the University of Toronto Tribunal and the sanctions imposed, with the Student's name withheld.

Dated this 1st day of May, 2009



Lisa Brownstone, Co-Chair

University of Toronto and C [REDACTED] L [REDACTED]

**AGREED STATEMENT OF FACTS
AND
JOINT SUBMISSION ON PENALTY**

JOINT SUBMISSION ON PENALTY

1. In the circumstances of the case, the University and Mr. L [REDACTED] submit that the appropriate penalty in all the circumstances of the case is that the *University Tribunal*:

- a. impose a final grade of zero in the course PHY205;
- b. suspend Mr. L [REDACTED] from the University of Toronto from February 2, 2009 to September 1, 2012;
- c. impose a notation on his academic record and transcript stating that he has been found to have committed academic offences, such notation to run from February 2, 2009, to September 1, 2014; and
- d. should report this case to the Provost who may publish a notice of the decision of the *University Tribunal* and the sanctions imposed, with Mr. L [REDACTED]'s name withheld.

AGREED STATEMENT OF FACTS SUPPORTING THE JOINT SUBMISSION ON PENALTY

2. The University and Mr. L█ rely on the Agreed Statement of Facts submitted to the Tribunal on February 2, 2009, in respect of the alleged misconduct.

3. Mr. L█ has previously admitted to committing two other academic offences for which he received sanctions at the *Divisional Level*.

4. On November 22, 2006, Mr. L█ admitted that he had taken computer code from a friend without that friend's permission and had used it to obtain unauthorized assistance to complete his own computer assignment in CSC108H. Mr. L█ admitted that he had committed an offence contrary to the University of Toronto's *Code of Behaviour on Academic Matters* ("Code").

5. That day, Professor Betty Roots, Dean's Designate for Academic Behaviour in the Faculty of Arts and Sciences at the University of Toronto, St. George Campus, sent a letter to Mr. L█ imposing the following sanction:

- a. a grade of zero on the assignment;
- b. a further 20 mark reduction in the course; and
- c. a two-year transcript notation.

6. A copy of the letter from Prof. Roots to Mr. L█ is included in the Joint Book of Documents on Penalty at Tab 1.

7. On February 29, 2008, Mr. L█ admitted that, on February 15, 2008, he had submitted an essay in ECO301Y1Y, which was copied entirely from unacknowledged internet sources. Mr. L█ admitted that he had committed plagiarism contrary to the *Code*.

8. On that day, Prof. John Britton, the Dean's Designate for Academic Discipline imposed the following sanction:

- a. a grade of zero on the assignment;
- b. a suspension to run from May 15, 2008 to May 14, 2009; and
- c. an annotation until graduation that Mr. L█ had been suspended for academic misconduct.

9. Mr. L█ admits that he committed his third offence on March 27, 2008, after having been advised that he would be suspended for one year at the end of the term.

10. On July 14, 2008, Professor John Britton, Dean's Designate for Academic Matters at the University of Toronto, St. George Campus, sent a letter to Mr. L█ imposing sanction in respect of an act contrary to the *Code*. A copy of that letter is included in the Joint Book of Documents on Penalty at Tab 2.

EVIDENCE RELATED TO HIS FATHER'S ILLNESS

11. Mr. L█ states that during late 2007 and 2008, he was affected by an illness suffered by his father. Mr. L█ states that the problem with his father's prostate gland was first detected in November or December of 2007.

12. In January 2008 Mr. L [REDACTED] states that his father was diagnosed with prostate cancer, underwent treatment, and was admitted to hospital for surgery on February 25, 2008. Mr. L [REDACTED] states that his father had post-surgery lingering effects until June or July of 2008.

13. Copies of medical documentation that Mr. L [REDACTED] provided to the University on February 1, 2009, are found in the Joint Book of Documents on Penalty at Tab 3.

ACKNOWLEDGMENTS

14. Mr. L [REDACTED] acknowledges that the University of Toronto has advised him to obtain independent legal advice before signing this Agreed Statement of Facts and Joint Submission on Penalty and that he has done so.

Signed in Toronto on February 2, 2009.

[REDACTED]

Signed in Toronto on February 2, 2009.

[REDACTED]

Robert A. Centa
Assistant Discipline Counsel
University of Toronto