

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER of charges of academic dishonesty made on July 8, 2009

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-

J■■■■ D■■■■

Hearing Date: August 21, 2009

Members of the Panel:

- Ms. Janet E. Minor, Barrister and Solicitor (Chair)
- Professor Kathi Wilson, Associate Professor, Department of Geography (Faculty Member)
- Mr. Jamon Camisso (Student Member)

Appearances:

- Mr. Rob Centa, Assistant Discipline Counsel, Paliare Roland Barristers

In Attendance:

- Lucy Gaspini, Academic Affairs Officer, Office of the Dean University of Toronto Mississauga
- Mr. Henry T. Mulhall, Assistant Secretary of the Governing Council, Office of Governing Council
- Mr. J■■■■ D■■■■, the Student, not in attendance

Transcription of Oral Reasons Delivered by the Chair at the Conclusion of the Hearing

- [1] We have reviewed the Agreed Statement of Facts on Sanction and the Joint Submission and the cases referred to in the authorities and we are prepared to accept the Joint Submission on Sanction. As we have noted, there is a presumption that a joint submission will be accepted assuming that it is within the range of reasonable sanctions and is in the public interest.
- [2] We have reviewed the cases and think that this is within the range. We are therefore prepared to order that the appropriate penalty is a final grade of zero in the course POL 442; that Mr. D█████ be suspended from August 21st, 2009, until February 21st, 2013; that a notation be imposed on his academic record until February 21st, 2014, noting that he has been found to have committed academic offences; and that the case be reported to the Provost, who may publish a notice of the sanctions imposed with the student's name withheld.
- [3] We have already found that the student committed academic offences as set out in the Notice of Hearing and Charges. On reviewing the Agreed Statement of Facts we observe that Mr. D█████ was enrolled at the University of Toronto in Mississauga and has been since the fall of 2004. In the summer of 2008, Mr. D█████ provided an essay in Poli Sci 442, "Topics in Latin America: Civil Society and Democracy in Latin America" taught by Professor Marciaj.
- [4] The course required completion of a research essay worth 40 per cent of the final grade and Mr. D█████ submitted an essay entitled "What would be the best way that civil society groups could help build democracy in Latin America?" Mr. D█████ admits that in the essay he included verbatim and nearly verbatim excerpts from the introduction to "Democracy in Latin America: Reconstructing Political Society", edited by M.A. Garretton and V. Newman. Those excerpts were not attributed and they were represented as his own. He did no meaningful work on the essay and he admits he committed the academic offence of plagiarism. With respect to that essay, which we have reviewed, there was virtually no meaningful academic work done at all. It was a compilation of plagiarized excerpts.
- [5] With respect to the second allegation that he concocted references, he admits that he did so. The concoction relates to the noting of a footnote which was not accurate. It was provided in order to conceal the plagiarism that otherwise he had been relying on and so we find that he was also guilty of that charge.
- [6] The University provided us with a Joint Submission on Penalty. The penalty suggested was an imposition of a final grade of zero in the course POL 442; a suspension of Mr. D█████ from the university from August 21st, 2009 until February 21st, 2013; the imposition of a notation on his academic record until February 21st, 2014, noting that he has been found to have committed academic

offences; and reporting of the case to the Provost who may publish a notice of the decision and the sanctions with the student's name withheld.

- [7] We have reviewed the Agreed Statement of Facts on sanction and note that the principles of sanctioning which are set out in Re: Mr. C., 1976-1977, an often-quoted case, contemplate the examination of a number of factors including the nature of the offence, the character of the student, the damage to the University, specific deterrence and general deterrence, and any mitigating factors that may have been offered.
- [8] We note first that the Student has acknowledged his responsibility and entered into an Agreed Statement of Facts both on the offences and the sanction. The Student did not appear, and so provided no further evidence on any mitigating circumstances that he might have relied on. As a result, we have no indication other than the fact that he agreed to the hearing proceeding on the Agreed Statement of Facts. We have no other information with respect to his character.
- [9] The University submits that the panel should also take into account two previous offences for which the student received a sanction. These are set out in the Agreed Statement of Facts. The Student admitted to two other acts of plagiarism, both in Poli Sci courses, and they occurred approximately at the same time, so that they were considered two considered two concurrent offences rather than very separate offences. Nonetheless, the sanctions were imposed on July 3rd, 2008.
- [10] The Student met with his professors and the dean designate on July 3rd, 2008, when he acknowledged that he had committed plagiarism in those assignments. He received a letter July 13th, 2008 setting out the penalties with respect to those offences. The offence in this case was committed July 31st, 2008, very shortly after the other two.
- [11] This fact gives us great concern. It would appear that the Student did not learn from his two previous incidents of misconduct and was prepared to continue in the same way some three weeks thereafter.
- [12] With respect to the concerns of the University, we rely on and agree with the statements made by the panel in the case of the University of Toronto and MHH, where the panel noted that:
- Plagiarism is an extremely serious offence which undermines the relationship of trust which must exist between a university and its students.
- [13] The panel referred to the University of Toronto and SB from November 2007:

It hardly needs to be said that the credibility and academic mission of the university and the degrees which it awards to students can be greatly harmed by the commission of offences of plagiarism and concoction.

[14] We have reviewed the cases provided to us by the university with similar offences and we are satisfied that the proposed Joint Submission on Penalty falls within the reasonable range of penalties for these offences and we so order.

[15] The Panel ordered the following:

- 1) A final grade of zero in the course Poli Sci 442;
- 2) That Mr. D [REDACTED] be suspended from August 21st, 2009, until February 21st, 2013;
- 3) That a notation be imposed on his academic record until February 21st, 2014, noting that he has been found to have committed academic offences; and,
- 4) That the case be reported to the Provost, who may publish a notice of the sanctions imposed with the student's name withheld.

I certify that this is the decision of the Panel

Dec. 22, 2009.
Date

Janet E. Minor
Janet E. Minor (Chair)

Agreed Statement of Facts

1. For the purposes of this hearing under the *Code of Behaviour on Academic Matters* ("Code"), the University of Toronto (the "University") and J [REDACTED] (J [REDACTED]) D [REDACTED] ("Mr. D [REDACTED]") have prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The University and Mr. D [REDACTED] agree that:

- a. they consent to the admission into evidence of each document contained in the JBD for all purposes, including for the truth of its contents, without further need to prove the document; and
- b. if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

2. This hearing arises out of charges of academic misconduct filed by the Provost under the Code. A copy of the Charges, which were filed on July 8, 2009, is included in the JBD at Tab

1. Mr. D [REDACTED] acknowledges that he received a copy of the Charges

3. In Fall 2004, Mr. D [REDACTED] registered in the University of Toronto Mississauga. At all material times, Mr. D [REDACTED] remained enrolled at the University. A copy of Mr. D [REDACTED]' academic record dated June 26, 2009, is found in the JBD at Tab 2.

4. In Summer 2008, Mr. D [REDACTED] enrolled in POL 442 – Topics in Latin America: Civil Society and Democracy in Latin America, which was taught by Professor Juan Pereira Marsiaj ("Course"). A copy of the syllabus for the Course is found in the JBD at Tab 3. Mr. D [REDACTED] admits that he received a copy of the syllabus for the Course.

5. One of the Course assignments was to complete a research essay, which was worth 40% of the final grade in the Course. For his research essay, on July 31, 2008, Mr. D [REDACTED] submitted an essay titled "What would be the best way that civil society groups could help build democracy in Latin America?" ("Essay") A copy of Essay is found in the JBD at Tab 4.
6. With respect to the Essay, Mr. D [REDACTED] admits that he knowingly:
- a. included verbatim and nearly verbatim excerpts from the Introduction to *Democracy in Latin America: (re) constructing political society*, which was edited by M.A. Garretón and E. Newman, a copy of which is found in the JBD at Tab 5 ("Introduction");
 - b. failed to attribute those excerpts appropriately using quotation marks;
 - c. had represented as his own an idea or expression of an idea or work of another;
 - d. did no meaningful academic work on the Essay; and
 - e. committed the academic offence of plagiarism with respect to the Essay as set out in charge #1 of the Charges, which are included in the JBD at Tab 2.
7. Furthermore, Mr. D [REDACTED] admits that he concocted the references that he included in the Essay, and that the Introduction (JBD Tab 5) was actual source of the material in the Essay. Mr. D [REDACTED] admits that committed the academic offence as set out in charge #2 of the Charges, which are included in the JBD at Tab 2.

8. Mr. D [redacted] acknowledges that the Provost of the University of Toronto has:

- a. made no representations or promises as to what sanction the Provost will seek in this case;
- b. advised him to obtain independent legal advice before signing this ASF and that he has either done so or deliberately waived his right to do so.

Signed in Toronto on July 30, 2009.

[redacted signature]

Signed in Toronto on July 30, 2009.

[Handwritten Signature]
 Robert A. Centa
 Assistant Discipline Counsel
 University of Toronto

NO. 1

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO

AND

Mr. J D

This Exhibit is produced by
the Discipline Counsel.

this 21st day of Aug., 2009.

[Handwritten Signature]

University of Toronto and J [REDACTED] (J [REDACTED]) D [REDACTED] ([REDACTED])

JOINT SUBMISSION ON PENALTY

1. The Provost and Mr. D [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 POL 442 – Topics in Latin America: Civil Society and Democracy in Latin America;
- b. suspend Mr. D [REDACTED] from the University of Toronto from August 21, 2009 until February 21, 2013;
- c. impose a notation until February 21, 2014, on his academic record and transcript stating that he has been found to have committed academic offences; and
- d. report this case to the Provost who may publish a notice of the decision of the University Tribunal and the sanctions imposed, with Mr. D [REDACTED]'s name withheld.

2. Mr. D [REDACTED] acknowledges that the University of Toronto has advised him to obtain independent legal advice before signing this Joint Submission on Penalty and that he has either done so or waived his right to do so.

Signed in Toronto on August 18, 2009.
NO. 4

[REDACTED]

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO

AND
Signed in Toronto on August 18, 2009.
Mr. J [REDACTED] D [REDACTED]

This Exhibit is produced by
the Discipline Counsel
this 21st day of Aug. 2009
#T. [Signature]

[Signature]
Robert A. Centa
Assistant Discipline Counsel
University of Toronto