

**UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on November 28, 2014

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 (the "University")

- AND -

G ■ E ■ (the "Student")

REASONS FOR DECISION

Hearing Date: March 31, 2015

Panel Members:

Ms. Roslyn M. Tsao, Lawyer, Chair

Professor Pascal Van Lieshout, Department of Speech-Language Pathology, Faculty Panel Member

Mr. Brian Lynch, Student Panel Member

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel for University, Paliare Roland Barristers

Professor David Perley, Instructor for RLGB10H3: Intro to the Study of Religion, University of Toronto Scarborough

Professor Wayne Dowler, Dean's Designate for Academic Integrity at the University of Toronto Scarborough

No one appearing for the Student

In Attendance:

Ms. Jesse Elders, Articling Student, Paliare Roland Barristers

Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

1. The Trial Division of the Tribunal heard this matter on March 31, 2015. The Student was charged on November 28, 2014 with plagiarism contrary to section B.I.1(d) of the Code in RGLB10H3 ("Course") on or about November 17, 2013. The Student was also charged, in the alternative, with engaging in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code.

Absence of Student from Hearing

2. The Student did not attend at the Hearing. The Tribunal waited until after the scheduled commencement of the Hearing to allow for the Student to appear and noted that the Student had communicated to University Counsel that he did not plan to attend or participate.
3. The University presented evidence to the Tribunal confirming proper service of the Charges and Notice of Hearing dated March 6, 2015 (which contained the requisite warning for non-attendance) in accordance with Rule 9 (Part 3) of the *Rules of Practice and Procedure* ("RPP") by:
 - e-mailing a copy of the documents to the student's e-mail address contained in the Student's ROSI record on December 1, 2014 (Charges) and March 6, 2015 (Notice of Hearing).
4. The office of University Counsel was also able to contact the Student by telephone before the hearing and warn him about the consequences of non-attendance to which the Student confirmed his understanding and that he did not plan to attend or participate.
5. Accordingly, the Hearing proceeded in the absence of the Student.

Facts

6. The University tendered Professor Perley and Professor Dowler.
7. Professor Perley was the Instructor of the Course at the relevant time and has been teaching since September 2003, firstly as a Ph.D. student and later as a sessional lecturer after receiving his Ph.D. in 2006.

8. The Course comprised 40-45 students. The Syllabus for the course confirmed the course requirements which included a Critical Review writing assignment (the "Assignment") worth 15% of the course grade.
9. Professor Perley confirmed that it is his practice to review the issue of plagiarism in the Syllabus and in the class in the context of "academic integrity". The Syllabus also made it clear that Turnitin.com would be used for the review of assignments to detect possible plagiarism.
10. The Assignment was a "Critical Review" essay due on November 5, 2013. There were written Guidelines for the Assignment distributed which outlined the nature of the assignment and noted that any resources should be cited in a bibliography or "Works Cited" page. Links to resources about how not to plagiarize and how to reference source materials were provided in these Guidelines.
11. The Student submitted his essay to "Turnitin" as required. Turnitin flagged the Student's Assignment as containing possible plagiarism.
12. Professor Perley, therefore, reviewed the Student's Assignment and noted immediately that there was an absence of any footnotes or reference citations. Upon further review of the passages identified by Turnitin as being suspiciously similar to other sources, Professor Perley concluded that the Student plagiarized other source material without proper reference.
13. Upon review of the Student's Assignment against other similar sources, it is apparent that the Student lifted passages and ideas from other sources without proper reference. Furthermore, the Student appears to have changed/removed words from the original source or slightly rephrased passages. The Panel concludes that this was done with intent to hide or disguise the plagiarized material.
14. Professor Dowler, one of the two Dean's Designates at the University of Scarborough gave evidence that an initial letter, followed by emails from his office were sent to the Student inviting him for a meeting to discuss the allegations on April 7, 2014, June 2,

2014, July 29, 2014 and August 27, 2014. There was no response from the Student and accordingly no meeting with the Student.

15. The Student's academic record was tendered which indicated that the Student was in his 2nd year at the University at the time of the alleged offence. The Student was placed on a 4 month academic probation in January, 2014. The Student has not returned to the University since that time.

Decision of the Tribunal

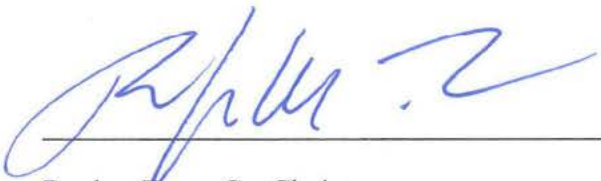
16. Based on the facts set out above, the Student is found guilty of plagiarism contrary to section B.I.1(d) of the Code.
17. The University withdrew the alternative charge.

Penalty

18. The University sought the following penalty:
 - (a) a zero in the Course;
 - (b) a two (2) year suspension from the University commencing the date of the Order;
and
 - (c) a notation of the sanction on the Student's academic record and transcript for three (3) years.
19. The Student has no prior record of academic misconduct and has not registered at the University since the January 2014 term.
20. The Tribunal accepts the University's recommended penalty considering the circumstances in this case and sanctions granted in similar cases.
21. An Order was signed at the hearing by the Panel to this effect.

22. The Tribunal is to report this decision to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed in the University's newspapers, with the name of the Student withheld.

Dated at Toronto, this ^{15th} day of April, 2015

A handwritten signature in blue ink, appearing to read 'Roslyn Tsao', is written over a horizontal line.

Roslyn Tsao, Co-Chair