

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on January 6, 2017,

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 am. S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

S [REDACTED] S [REDACTED] (999 383 732)

REASONS FOR DECISION

Hearing Date: March 8, 2017

Members of the Panel:

Mr. William C. McDowell, Lawyer, Chair
Professor Pascal Riendeau, Faculty Panel Member
Mr. Harvey Lim, Student Panel Member

Appearances:

Ms. Tina Lie, Assistant Discipline Counsel, Paliare Roland Barristers
Mr. S [REDACTED] S [REDACTED], the Student

In Attendance:

Ms. Lucy Gaspini, Manager Academic Integrity, University of Toronto – Mississauga (“UTM”)

Ms. Tracey Gameiro, Associate Director, Appeals, Discipline and Faculty Grievances
Mr. Sean Lourim, Technology Assistant, Office of the Governing Council

1. The Student appeared before the Tribunal and pleaded guilty to the following charges:

1. On or about February 3, 2016, you knowingly represented as your own an idea or expression of an idea or work of another in a case summary/memo that you submitted in SOC378H5, contrary to section B.I.1(d) of the Code.

4. On or about March 6, 2016, you knowingly represented as your own an idea or expression of an idea or work of another in a paper that you submitted in PHL210Y5, contrary to section B.I.1(d) of the Code.

2. An Agreed Statement of Facts was filed which is attached as Appendix 'A' to these Reasons for Decision.

3. For the reasons that follow, the Tribunal accepted the plea of guilty and found the Student guilty of the charges. We then imposed a penalty which had been agreed upon between the Provost and the Student. The parties filed an Agreed Statement of Facts on Penalty and a Joint Submission on Penalty which are attached to these Reasons for Decision as Appendix 'B' and 'C' respectively

BACKGROUND

4. The first charge related to an assignment which was to have been completed in SOC378H5 (Law, Crime & Disrepute) ("the SOC378 Assignment"). The course syllabus contained very clear warnings about academic dishonesty.

5. The Student turned in an assignment, a case summary of *Regina v. Nur*, 2016 SCC 15. The Student purported to discuss the Supreme Court of Canada's decision which addressed the important subject of racial profiling. Upon examination, the course instructor determined that the paper had been taken almost entirely from a Wikipedia article, and an online discussion piece entitled "The Battle and Two Approaches to Challenging a Mandatory Minimum Sentence under s. 52 of the Constitution Act, 1982" (from thecourt.ca). Neither of these sources is cited in the SOC378 Assignment.

6. The second charge concerned a term paper which the Student submitted in PHL210Y5 (17th and 18th Century Philosophy) ("the PHL210 Assignment"). In this course as well, students had been cautioned about academic dishonesty. The Student submitted the fifth course paper worth 15% on March 6, 2016. It was entitled "Hume and the Prisoner" ("the PHL210 Assignment"). The PHL210 Assignment submitted by the Student was in turn entered into the turnitin.com database. It showed that most of the paper had originated in internet sources, including livingphilosophy.org.uk, sparknotes.com, the internet, Encyclopedia of Philosophy and the Stanford Encyclopedia of Philosophy. The Student had not attributed the sources properly, or in some cases at all.

7. The plagiarism in this instance as well was extensive and obvious.

PENALTY

8. Ms. Lie, on behalf of the Provost, and the Student had reached an agreement with respect to penalty. At the heart of the sanctions to be imposed on

the Student, it was agreed that he would be suspended from the University for a period of three years.

9. The Student made brief submissions concerning the context in which these offences had been committed. He explained that he had been diagnosed with post-traumatic stress disorder and dysthymia. He was to have attended a psychiatric appointment ten days after he appeared before the panel, but had no medical or psychiatric documentation to support his claim that he was suffering from these illnesses.

10. While we have no reason to doubt what the Student told us – he was courteous, polite and succinct in his submissions to the panel – we are not able to weigh these ostensibly mitigating factors in the absence of medical documentation. Ms. Lie assured us that the Student's medical and psychiatric situation had in any event been taken into account by the University in agreeing to a three-year suspension rather than a term of four years. It is clear from the cases canvassed in the Provost's Book of Authorities that the range of penalties imposed for similar offences includes an upper end of four years.

11. All of that said, we imposed the penalty agreed to, albeit with some reluctance. Academic dishonesty is a serious matter, and regard must be had to the principles of general deterrence. (*The University of Toronto v. Y.L.*, December 8, 2015, Case No. 811)

12. The Student would have received a significant suspension from the panel even had he appeared with extensive medical and psychiatric reports. As we

advised the parties, however, we would likely have imposed a somewhat shorter suspension had the documentation been present.

13. Ms. Lie assured us, and the Student agreed, that he had been very keen to enter his plea of guilty at the earliest opportunity. He had earlier admitted each offence to the Dean's Designate. These factors ordinarily amount to significant mitigating features. We cannot help but feel that had the Student availed himself of the opportunity to seek legal advice, he might have received a less severe penalty. In all of this, we intend no criticism of the University or Ms. Lie who represented the Provost with professionalism and candour. Both she and the Student assured us, and we accept, that he had been strongly encouraged to seek the assistance of Downtown Legal Services, but had chosen not to do so.

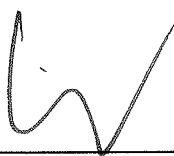
CONCLUSION

14. In the result, we impose the following sanction:

- (a) a final grade of zero in the course SOC378H5;
- (b) a final grade of zero in the course PHL210Y5;
- (c) a suspension from the University of Toronto for three years from the day the Tribunal made its order on March 8, 2017; and
- (d) a notation of the sanction on his academic record and transcript from the day the Tribunal makes its order until graduation.

15. The parties agreed that this case should be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University of Toronto newspapers, with the name of the student withheld.

DATED at Toronto, this  day of June, 2017.



William C. McDowell, Co-Chair

APPENDIX A

THE UNIVERSITY TRIBUNAL THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on January 6, 2017,

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters*, 1995,

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B E T W E E N:

UNIVERSITY OF TORONTO

- and -

S [REDACTED] S [REDACTED]

AGREED STATEMENT OF FACTS

1. This matter arises out of charges of academic misconduct filed on January 6, 2017 (the "Charges") by the Provost of the University of Toronto (the "Provost") under the *Code of Behaviour on Academic Matters* ("Code"). The Provost and S [REDACTED] [REDACTED] S [REDACTED] have prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The Provost and Mr. S [REDACTED] agree that:

- (a) each document contained in the JBD may be admitted into evidence for all purposes, including for the truth of the document's 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.

A. *Charges and guilty plea*

2. Mr. S [REDACTED] admits that he received a copy of the Charges filed by the Provost, which are included in the JBD at **Tab 1**.

3. Mr. S [REDACTED] admits that he received a copy of the notice of hearing in this matter and that he has received reasonable notice of this hearing. A copy of the notice of hearing is included in the JBD at **Tab 2**.

4. Mr. S [REDACTED] waives the reading of the Charges filed against him. He pleads guilty to charges #1 and #4.

5. The Provost agrees that if the Tribunal convicts Mr. S [REDACTED] on charges #1 and #4, the Provost will withdraw charges #2, #3, #5 and #6.

6. At all material times, Mr. S [REDACTED] was a registered student at the University of Toronto Mississauga. A copy of Mr. S [REDACTED]'s current academic record is included in the JBD at **Tab 3**.

B. SOC378H5

7. In Winter 2016, Mr. S [REDACTED] enrolled in SOC378H5 (Law, Crime and Disrepute) ("SOC378"), which was taught by Nick Kaschuk.

8. A copy of the course syllabus for SOC378 is included in the JBD at **Tab 4**. It provided as follows with respect to academic integrity:

Academic Integrity

- Copying, plagiarizing, falsifying medical certificates, or other forms of academic misconduct will not be tolerated. Any student caught engaging in such activities will be referred to the Dean's office for adjudication and punishment. Any student abetting or otherwise assisting in such misconduct will also be subject to academic penalties.
- Students are expected to cite sources in all written work and presentations. See these links for department citation formats and tips for how to use sources well <http://www.utm.utoronto.ca/sociology/resources/resources-students> (<http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize>)
- By enrolling in this course, you agree to abide by the university's rules regarding academic conduct, as outlined in the Calendar. You are expected to be familiar with the "Code of Behaviour on Academic Matters (www.governingcouncil.utoronto.ca/policies/behaveac.htm) and *Code of Student Conduct* (<http://www.governingcouncil.utoronto.ca/policies/studentc.htm>) which spell out your rights, your duties and provide all the details on grading regulations and academic offences at the University of Toronto.

- Normally, students will be required to submit their course essays to Turnitin.com for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the Turnitin.com reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of the Turnitin.com service are described on the Turnitin.com web site.

9. Students in SOC378 were required to submit a case summary/memo worth 15% of their final grades.

10. On or about February 3, 2016, Mr. S■■■■ submitted his case summary/memo entitled "R. v. Nur, 2016 SCC 15" (the "Case Summary"). A copy of the Case Summary is included in the JBD at **Tab 5**.

11. In reviewing the Case Summary, Mr. Kaschuk determined that it contained passages that were taken verbatim or nearly verbatim from several online sources without appropriate attribution, including:

- (a) "R v Nur" from Wikipedia (https://en.wikipedia.org/wiki/R_v_Nur), a copy of which is included in the JBD at **Tab 5A**; and
- (b) A comment on "R v Nur: The Battle of Two Approaches to Challenging a Mandatory Minimum Sentence Under s. 52 of the Constitution Act, 1982" from thecourt.ca (<https://www.thecourt.ca/r-v-nur-the-battle-of-two-approaches-to-challenging-a-mandatory-minimum-sentence-under-s-52-of-the-constitution-act-1982/>), a copy of which is included in the JBD at **Tab 5B**

(collectively, the "SOC378 Sources").

12. The SOC378 Sources were not cited in the Case Summary.

13. The copy of the Case Summary submitted by Mr. S■■■■ at Tab 5 of the JBD includes notes in the margin, as well as highlighting to indicate the text that was taken verbatim or nearly verbatim from the SOC378 Sources. The highlighting in the Case

Summary at Tab 5 of the JBD corresponds to the highlighting contained in the SOC378 Sources at Tabs 5A and 5B of the JBD.

C. PHL210Y5

14. In Fall 2015 and Winter 2016, Mr. S [REDACTED] enrolled in PHL210Y5 (17th and 18th Century Philosophy) ("PHL210"), which was taught by Professor Marleen Rozemond.

15. A copy of the course syllabus for PHL210 is included in the JBD at **Tab 6**. It provided as follows with respect to academic integrity:

ACADEMIC INTEGRITY

By university regulation, plagiarism will automatically be reported to the Dean. Plagiarism is presenting someone else's ideas or words as if they are your own. You may use ideas and examples that come from others, but you must make clear that you are doing so. It is acceptable to quote, but when you do so, you must clearly indicate that you are doing so, and quotes must be relatively short.

It is important to know that there are various forms of academic offenses besides plagiarism. I strongly recommend that you look at the following website about Academic Integrity: <http://www.utm.utoronto.ca/academic-integrity/home>. This site can help you get clear about what counts as an academic offense, how to prevent it, and the university's policies for dealing with suspected cases. On the course website I am posting further documents relating to academic integrity. **Even if you plagiarize unintentionally, it counts as an academic offense!**

16. Throughout the course, students were required to submit a total of five papers through Turnitin.com ("Turnitin"), which is a service that assesses the originality of texts using comparisons with sources contained in the Turnitin database and on the internet.

17. A copy of the instructions that were provided to students for the fifth paper is included in the JBD at **Tab 7**. The fifth paper was worth 15%.

18. On March 6, 2016, Mr. S [REDACTED] submitted his fifth paper, entitled "Hume and the Prisoner" (the "Paper") to Turnitin. The Turnitin report revealed a 68% similarity index with sources in the Turnitin database, including a 67% similarity index with internet sources.

19. A copy of the Turnitin report for the Paper is included in the JBD at **Tab 8** and a copy of the Paper is included in the JBD at **Tab 9**.

20. On review, Professor Rozemond determined that the Paper contained passages that were taken verbatim or nearly verbatim from several online sources without appropriate attribution, including:

- (a) "Philosopher David Hume on Liberty and Necessity Summary" from livingphilosophy.org.uk (http://www.livingphilosophy.org.uk/philosophy/David_Hume/on_Liberty_and_Necessity.htm), a copy of which is included in the JBD at **Tab 9A**;
- (b) "David Hume (1711-1778): An Enquiry Concerning Human Understanding" from sparknotes.com (<http://www.sparknotes.com/philosophy/hume/section4.rhtml>), a copy of which is included in the JBD at **Tab 9B**;
- (c) "Free Will" from the Internet Encyclopedia of Philosophy (<http://www.iep.utm.edu/freewill/>), an excerpt of which is included in the JBD at **Tab 9C**;
- (d) "Arguments for Incompatibilism" from the Stanford Encyclopedia of Philosophy (<https://plato.stanford.edu/entries/incompatibilism-arguments/>), an excerpt of which is included in the JBD at **Tab 9D**; and
- (e) "Incompatibilist (Nondeterministic) Theories of Free Will" from the Stanford Encyclopedia of Philosophy (<https://plato.stanford.edu/entries/incompatibilism-theories/>), an excerpt of which is included in the JBD at **Tab 9E**

(collectively, the "PHL210 Sources")

21. The PHL210 Sources were not cited in the Paper.

22. The copy of the Paper submitted by Mr. S■■■ at Tab 9 of the JBD includes notes in the margin, as well as highlighting, to indicate the text that was taken verbatim from the PHL210 Sources. The highlighting in the Paper at Tab 9 of the JBD corresponds to the highlighting contained in the PHL210 Sources at Tabs 9A, 9B, 9C, 9D and 9E of the JBD.

D. Meeting with Dean's Designate

23. On April 18, 2016, Mr. S■■■ met with Professor Catherine Seguin, Dean's Designate for Academic Offences. Professor Seguin gave Mr. S■■■ the warning that is required to be given under the *Code*.

24. At the meeting:

- (a) Mr. S■■■ pleaded guilty to the offence of plagiarism in respect of the Case Summary in SOC378 and signed an admission of guilt form, a copy of which is found in the JBD at **Tab 10**; and
- (b) .Mr. S■■■ pleaded guilty to the offence of plagiarism in respect of the Paper in PHL210 and signed an admission of guilt form, a copy of which is found in the JBD at **Tab 11**.

E. Admissions and Acknowledgements

25. Mr. S■■■ admits that he knowingly:

- (a) included verbatim or nearly verbatim excerpts from the SOC378 Sources in the Case Summary;
- (b) failed to attribute those verbatim or nearly verbatim excerpts appropriately using citations, quotation marks or other appropriate means;

- (c) represented in the Case Summary the ideas of another person, the expression of the ideas of another person, or the work of another person as his own; and
- (d) committed plagiarism, contrary to section B.I.1(d) of the *Code*.

26. Mr. S [REDACTED] admits that he knowingly:

- (a) included verbatim or nearly excerpts from the PHL210 Sources in the Paper;
- (b) failed to attribute those verbatim or nearly verbatim excerpts appropriately using quotation marks or other appropriate means;
- (c) represented in the Paper the ideas of another person, the expression of the ideas of another person, or the work of another person as his own; and
- (d) committed plagiarism, contrary to section B.I.1(d) of the *Code*.


27. Mr. S [REDACTED] acknowledges that:

- (a) the Provost has advised Mr. Shah of his right to obtain legal counsel; and
- (b) he is signing this ASF freely and voluntarily, knowing of the potential consequences he faces.

Signed on February 27, 2017.

[REDACTED]
S [REDACTED] S [REDACTED]

Signed on February 27, 2017.


Tina Lie
Assistant Discipline Counsel
University of Toronto

APPENDIX B

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on January 6, 2017,

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B E T W E E N:

UNIVERSITY OF TORONTO

- and -

S [REDACTED] S [REDACTED]

AGREED STATEMENT OF FACTS ON PENALTY

1. This matter arises out of charges of academic misconduct filed on January 6, 2017 (the "Charges") by the Provost of the University of Toronto (the "Provost") under the *Code of Behaviour on Academic Matters* ("Code"). For the purpose of the penalty phase of this hearing, the Provost and S [REDACTED] S [REDACTED] have prepared this Agreed Statement of Facts on Penalty ("ASF on Penalty"). The Provost and Mr. Shah agree that:

- (a) each document attached to this ASF on Penalty may be admitted into evidence for all purposes, including for the truth of the document's 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. In Fall 2013, Mr. S [REDACTED] enrolled in PHL313H5 (Topics in 17th and 18th Century Philosophy) (the "Course"), which was taught by Professor Marleen Rozemond.

3. On October 10, 2013, Mr. S████ wrote the midterm test for the Course, which was worth 25% of his final grade in the Course.

4. During the midterm test for the Course, Mr. S████ used a cell phone to look up information to assist him in answering the questions on the test. Professor Rozemond discovered the cell phone in Mr. S████'s possession during the test. The cell phone was not permitted during the test.

5. On December 13, 2013, Mr. S████ met with Professor Emmanuel Nikiema, Dean's Designate for Academic Offences, to discuss the allegation of academic misconduct. Professor Nikiema gave Mr. S████ the warning that is required to be given under the *Code*.

6. At the meeting with Professor Nikiema, Mr. S████ admitted to using his cell phone for the purposes of assisting him in writing the midterm test in the Course. He signed an admission of guilt form, admitting to an academic offence under section B.I.1(b) of the *Code*. A copy of the Admission of Guilt form signed by Mr. S████ is attached at Tab 1.

7. On January 13, 2014, Professor Kelly Hannah-Moffat, Vice-Dean Undergraduate at the University of Toronto Mississauga, wrote to Mr. S████ imposing the following sanctions:

- (a) a grade of zero in the assignment in question;
- (b) a further reduction of 20 marks from his final grade in the Course; and
- (c) an annotation on Mr. Shah's transcript for 9 months, from December 13, 2013 to September 13, 2014.

8. Professor Hannah-Moffat also wrote:

I trust that you have had time to reflect on the seriousness of this incident and will not commit another academic offence. Please be advised that any subsequent allegations of offence are usually referred directly to the Tribunal for investigation. I urge you to do everything in your power to make a success of your academic career at the University of Toronto Mississauga.

9. A copy of Professor Hannah-Moffat's letter is attached at **Tab 2**.

10. Mr. S [REDACTED] acknowledges that:


(a) the Provost has advised him of his right to obtain legal counsel; and

(b) he is signing this ASF on Penalty freely and voluntarily, knowing of the potential consequences he faces.

Signed on ~~February~~ ^{March 3}, 2017.

[REDACTED]
S [REDACTED] S [REDACTED]

Signed on ~~February~~ ^{March 6}, 2017.


Tina Lie
Assistant Discipline Counsel
University of Toronto

TAB 1

ADMISSION OF GUILT
ACADEMIC OFFENCE

NAME: [REDACTED] S [REDACTED]

STUDENT NO: 999383732

DEPARTMENT:

COURSE: PHL 313 H5F

OFFENCE: B.I 1(b)

At my meeting with the Dean=s Designate today, I admit that I am (please circle)

a) guilty

b) not guilty of the above mentioned offence.

[REDACTED]

Signature

Dec. 13 / 2013

Date

D. Robertson

Witness Signature

Dec 13, 2013

Witness Date

TAB 2



UNIVERSITY OF
TORONTO
MISSISSAUGA

January 13, 2014

OFFICE OF THE DEAN

PERSONAL AND CONFIDENTIAL

Mr. S [REDACTED] S [REDACTED]
5261 Adobe Crt
Mississauga, ON L5M 0K8

Dear Mr. S [REDACTED]

In your interview with Professor Emmanuel Nikiema on December 13, 2013, in the presence of Ms. Dianne Robertson, Undergraduate Advisor and official note taker, you admitted that you were guilty of academic misconduct during the writing of your term test, which you submitted for credit in the course PHL313H5F 2013, (9). Specifically, you had a cell phone in your possession which you used while writing the test by looking up information which assisted you with your responses.

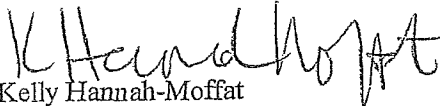
As you are now aware, unauthorized assistance is considered to be a serious offence under the *University's Code of Behaviour on Academic Matters (Code)*. It is essential for you to know that I reviewed the case again, including the Dean's Designate's record of his meeting with you, in which you admit you contravened the *Code*. I also took into consideration the mitigating circumstances including the fact that you were forthcoming with the truth and remorseful of your actions. Moreover, I believe you have learned a valuable lesson and that there will be no repetition of similar behaviour in the future. It is imperative for you to know that I agree with my designate's recommendation on sanctions as they are appropriate, warranted and in accordance with what is envisaged in the Provost's Guidelines (Appendix 'C'). Therefore, under section C.I.(a) 8 of the *University's Code of Behaviour on Academic Matters*, I impose the following sanctions:

- a grade of zero (0) for the assignment in question;
- a further reduction of 20 marks from the final grade in the course; and
- an annotation on transcript of "Mark reduced in the course PHL313H5F, 2013 (9) due to academic misconduct" for 9 months, from December 13, 2013 to September 13, 2014.

I encourage you to meet with a member of the Robert Gillespie Academic Skills Centre as they may be able to assist you with various areas of your academic studies including preparing for tests and examinations.

I trust that you have had time to reflect on the seriousness of this incident and will not commit another academic offence. Please be advised that any subsequent allegations of offence are usually referred directly to the Tribunal for investigation. I urge you to do everything in your power to make a success of your academic career at the University of Toronto Mississauga.

Sincerely,


Kelly Hannah-Moffat
Vice-Dean Undergraduate

Student Number 999 383 732
Cc.: Professor Marleen Rozemond
Professor Sergio Tenenbaum
Ms Michelle Daley

APPENDIX C

THE UNIVERSITY TRIBUNAL
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- and -

S [REDACTED] S [REDACTED]

JOINT SUBMISSION ON PENALTY

1. For the purposes of this hearing under the *Code of Behaviour on Academic Matters* ("Code"), the Provost of the University of Toronto (the "Provost") and S [REDACTED] [REDACTED] S [REDACTED] have prepared this Joint Submission on Penalty.

2. The Provost and Mr. S [REDACTED] submit that, in all the circumstance of his case, it is appropriate that the University Tribunal impose the following sanctions on Mr. S [REDACTED]

- (a) a final grade of zero in the course SOC378H5;
- (b) a final grade of zero in the course PHL210Y5;
- (c) a suspension from the University of Toronto for three years from the day the Tribunal makes its order; and
- (d) a notation of the sanction on his academic record and transcript from the day the Tribunal makes its order until graduation.

3. The parties agree 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 of Toronto newspapers, with the name of the student withheld.

4. Mr. S [REDACTED] acknowledges that:

- (a) the Provost has advised Mr. S [REDACTED] of his right to obtain legal counsel; and
- (b) he is signing this Joint Submission on Penalty freely and voluntarily, knowing of the potential consequences he faces.

Signed on March 7, 2017

[REDACTED]

S [REDACTED] S [REDACTED]

Signed on March 7, 2017.



Tina Lie
Assistant Discipline Counsel
University of Toronto