

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on January 17, 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 amended S.O. 1978, c. 88

BETWEEN:

UNIVERSITY OF TORONTO

- and -

M [REDACTED] S [REDACTED]

Reasons for Decision

Hearing Date: December 15, 2017

Members of the Panel:

Ms. Cheryl Woodin, Chair

Professor Pascal van Lieshout, Faculty Panel Member

Ms. Natasha Ramkissoon, Student Panel Member

Appearances:

Ms. Tina Lie, Assistant Discipline Counsel, University of Toronto

In Attendance:

Mr. Christopher Lang, Director, Office of Appeals, Discipline and Faculty Grievances

Professor Luc De Nil, Vice-Dean, Students, School of Graduate Studies

Mr. Brian Alexic, IT Support, Office of the Governing Council

Not in Attendance:

Mr. M [REDACTED] S [REDACTED], the Student

Ms. Julia Wilkes, Counsel to the Student, Wardle Daley Bernstein Bieber LLP

Introduction

1. The Trial Division of the University Tribunal was convened on December 15, 2017 to consider charges brought by the University of Toronto ("the **University**") against Mr. S [REDACTED] ("the **Student**") under the *University of Toronto Code of Behaviour on Academic Matters*, 1995 ("the **Code**").
2. The Student was represented by Ms. Julia Wilkes who was not present at the hearing although she was available to answer any questions as might be required and to attend in person should it be required. The Tribunal was advised that both the Student and Wilkes were content to proceed in this fashion. As the hearing proceeded on an Agreed Statement of Facts and Joint Submissions on Penalty, all of which had been reviewed and agreed to by the Student in consultation with counsel, this manner of proceeding was acceptable to the Tribunal.

The Charges and Particulars

3. The Charges and Particulars alleged against the Student are as follows:

Charges

1. In or around August 2015, you knowingly represented as your own the ideas or expression of ideas or works of another in the dissertation entitled "Machiavelli's Republicanisms: Society, Discord and the Politics of Equilibrium in the *Florentine Histories*" (the "Dissertation"), which you submitted in conformity with the requirements for the degree of Doctor of Philosophy, contrary to section B.I.1(d) of the *Code*.
2. In the alternative, in or around August 2015, you knowingly obtained unauthorized assistance in connection with the Dissertation, which you submitted in conformity with the requirements for the degree of Doctor of Philosophy, contrary to section B.I.1(b) of the *Code*.

3. In the further alternative, in or around August 2015, by submitting the Dissertation, 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, contrary to section B.I.3(b) of the *Code*.

Particulars:

4. From Fall 2009 to Summer 2015, you were a student at the University of Toronto School of Graduate Studies and were enrolled in the Doctor of Philosophy program with the Department of Political Science.
5. In or around August 2015, you submitted the Dissertation in partial completion of the requirements for the Degree of Doctor of Philosophy.
6. You submitted the Dissertation:
 - (a) to obtain academic credit;
 - (b) knowing that it contained ideas, expressions of ideas, and verbatim or nearly verbatim text from a number of sources, including:
 - (i) Jurdjevic, *A Great and Wretched City: Promise and Failure in Machiavelli's Florentine Political Thought* (Harvard, 2014);
 - (ii) Jurdjevic, "Machiavelli's Hybrid Republicanism", *English Historical Review*, Vol. CXXII No. 499;
 - (iii) Jurdjevic, "Writing History in a Ruined world", in *After Civic Humanism*, eds. Nicholas Baker and Brian Maxson (Toronto: CRRS, 2015);
 - (iv) Robert Black, *Machiavelli* (Routledge, 2013);

- (v) Robert Black, “*Review of A Great & Wretched City: Promise and Failure in Machiavelli’s Florentine Political Thought*”, *Canadian Journal of History* 49 (2014): 495-496; and
- (vi) Jurdjevic, “Virtue, Commerce, and the Enduring Florentine Republican Moment”, *Journal of the History of Ideas*. 62.4 (2001): 721-743;

(collectively, the “Sources”);

- (c) knowing that it contained ideas or expressions of ideas which were not your own, but were the ideas or expressions of ideas of others, including the authors of the Sources; and
- (d) knowing that you did not properly reference the ideas, expressions of ideas and the verbatim or nearly verbatim text that you drew from the Sources, including through the use of citations and/or quotation marks.

7. You knowingly obtained unauthorized assistance in connection with the Dissertation, including from the Sources.
8. You knowingly submitted the Dissertation with the intention that the University of Toronto rely on it as containing your own ideas that were expressed in your own words when evaluating your work, and to obtain an academic advantage.
9. Counsel for the University advised that if the Tribunal convicted the Student on charge #1, the Provost would withdraw charges #2 and #3.

The Evidence Related to the Charges

4. The evidence was tendered by way of an Agreed Statement of Facts and a Joint Book of Documents.
5. The Agreed Statement of Facts is reprinted below (without the source documents which are contained in the Joint Book of Documents).

1. This matter arises out of charges of academic misconduct filed on January 17, 2017 by the Provost of the University of Toronto (the “Provost”) under the *Code of Behaviour on Academic Matters* (“Code”). The Provost and M [REDACTED] S [REDACTED] (the “Student”) have prepared this Agreed Statement of Facts (“ASF”) and a joint book of documents (“JBD”). The Provost and the Student 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. The Student admits that he received a copy of the charges filed by the Provost. The charges are included in the JBD at Tab 1.
- 3. The Student 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. The Student waives the reading of the charges filed against him, and pleads guilty to charge #1.
- 5. The Provost agrees that if the Tribunal convicts the Student on charge #1, the Provost will withdraw charges #2 and #3.
- 6. In Fall 2009, the Student was admitted to the University of Toronto School of Graduate Studies (“SGS”), in the Doctor of Philosophy program with the Department of Political Science. A copy of the Student’s current academic record is included in the JBD at Tab 3.

B. The Thesis

7. In order to obtain the degree of Doctor of Philosophy, the Student was required, among other things, to complete and defend a thesis (course code RST9999Y).
8. The Student was aware of the importance of academic integrity and the need to appropriately cite his sources in the completion of the thesis requirement. A copy of the General Regulations contained in the SGS Calendar (which is available online at <https://sgs.calendar.utoronto.ca/general-regulations>) is included in the JBD at Tab 4. It provides, at section 11.6:

11.6 Code of Behaviour on Academic Matters

The *Code of Behaviour on Academic Matters* addresses the responsibilities of all students and faculty to the integrity of the teaching and learning experience.

See the full text of the *Code of Behaviour on Academic Matters*.

9. In addition, a copy of the SGS website with respect to “Academic Integrity Resources” (at <http://www.sgs.utoronto.ca/facultyandstaff/Pages/Academic-Integrity.aspx>) is included in the JBD at Tab 5. It provides, in part:

Policy

The University's policy on academic misconduct is found in the *Code of Behaviour on Academic Matters* (the *Code*). Other policies deal with the general conduct of students (the *Code of Student Conduct*) and with research ethics. For information regarding allegations of research misconduct, please visit the website of the Vice-President, Research and Innovation.

Students in graduate studies are expected to commit to the highest standards of integrity and to understand the importance of protecting and acknowledging intellectual property. For example, it is assumed that they bring to their graduate studies a clear understanding of how to cite references appropriately.

thereby avoiding plagiarism. The student's thinking must be understood as distinct from the sources upon which the student is referring. Two excellent documents entitled *How Not to Plagiarize* (of interest to students) and *Deterring Plagiarism* (of interest to faculty) are available for reference. Regarding plagiarism, the *Code* includes the following statements:

B.i.1. It shall be an offence for a student knowingly:

(d) to represent as one's own idea or expression of an idea or work of another in any academic examination or term test or in connection with any other form of academic work, i.e., to commit plagiarism.

Wherever in the *Code* an offence is described as depending on "knowing," the offence shall likewise be deemed to have been committed if the person ought reasonably to have known.

Other academic offences include the possession and/or use of unauthorized aids in examinations, submitting the same paper for different courses, forgery (whether of academic records or other documents), concocting facts or references to sources, personating someone, and other forms of cheating and academic dishonesty. Please refer to sections B.i.1. and B.i.3. in the *Code* for detailed descriptions of offences applicable to students.

While offences are often related to coursework, they can be found outside the context of courses (e.g., theses). Furthermore, according to section B.i.4. in the *Code*, "A graduate of the University may be charged with any of the above offences committed knowingly while he or she was an active student, when, in the opinion of the Provost, the offence, if detected, would have resulted in a sanction sufficiently severe that the degree would not have been granted at the time that it was".

Academic misconduct by graduate students is taken very seriously. Following procedures outlined in the *Code*, cases involving graduate students are handled by the Chair/Director of the Graduate Unit and the Dean of the School of Graduate Studies. Students are encouraged to ask their graduate unit about specific practices in their discipline related to appropriate citation practices. It is the responsibility of the student to be informed and to cite it right. [Emphasis added]

10. The Student's thesis supervisor was Professor Ryan Balot. He also had a committee, comprised of internal and external readers to provide him with comments on his thesis. Initially, the Student and his committee agreed that he would work to complete and defend his thesis by December 31, 2015.
11. However, on April 29, 2015, the Student learned that he had been accepted to complete a post-doctoral fellowship at Arizona State University's ("ASU") Center for Political Thought and Leadership commencing in August 2015. Accordingly, the timetable for the completion of the Student's thesis would need to be pushed up.
12. At the time of his acceptance into ASU, the Student had completed drafts of three chapters of his thesis.
13. On or about May 6, 2015, the Student proposed to his committee that he would complete a draft of his thesis by the second week of June 2015; his final thesis by the first week of July 2015; and he would defend his thesis in the second week of August 2015 to allow the Student to complete his degree in time to commence his post-doctoral fellowship.
14. By May 22, 2015, however, it became clear that the timeline would have to be further expedited to meet the SGS submission deadlines. The Student was required to submit a draft manuscript to the internal and external committee members by approximately June 2, 2015, and a finalized draft to the external reviewer by approximately June 30, 2015.
15. The Student worked simultaneously on completing the final chapters of his thesis and revising the chapters previously provided to members of his committee.
16. In mid-June 2015, the fourth of five readers of his work (and one of his external committee members) advised the Student that he should have more thoroughly addressed the work of Professor Mark Jurdjevic (Associate Professor and Chair of the Department of History at York University) in his

work. While the Student had previously reviewed Professor Jurdjevic's work, he spent substantial time over the next few weeks to address the reader's comments.

17. The Student addressed the prominent, relevant works of Professor Jurdjevic. In many instances, the Student disagreed with Professor Jurdjevic's conclusions. He distinguished those works in many places in his thesis.
18. In approximately late June 2015, the Student submitted his final thesis entitled "Machiavelli's Republicanisms: Society, Discord and Politics of Equilibrium in the *Florentine Histories*" (the "Thesis") in completion of his thesis requirement, and in approximately August 2015, he defended his Thesis.
19. In November 2015, the Student was conferred the degree of Doctor of Philosophy from the University.

C. *Allegations of Plagiarism Come to Light*

20. After the Student had been conferred his degree by the University of Toronto (and while he was completing his post-doctoral fellowship with ASU), the Student and Professor Jurdjevic discussed working together on a post-doctoral research project. Professor Jurdjevic invited the Student to sit on a panel at a conference with him and the Student's external reviewer, Dr. John McCormick. Professor Jurdjevic and the Student met for dinner at a conference in February 2016 to discuss conducting research together.
21. After that meeting, Professor Jurdjevic reviewed the Thesis. On review, Professor Jurdjevic determined that the Thesis contained approximately 50 passages that were taken from his work or other works without appropriate attribution. In some instances, the passages were taken verbatim or nearly verbatim from Professor Jurdjevic's work; in other instances, they were paraphrased without appropriate citation. A copy of the passages that

Professor Jurdjevic identified from the Thesis are included in the JBD at Tab 6.

22. On July 30, 2016, Professor Jurdjevic brought this matter to the attention of Professor Ryan Balot, the Student's Ph.D. supervisor at the University.
23. On August 4, 2016, the Student met with Professor Balot and Professor Steven Bernstein, Associate Chair and Graduate Director of the Department of Political Science at the University, to discuss the allegation of academic misconduct.

D. Dean's Meeting

24. On November 9, 2016, the Student met with Luc De Nil, Vice-Dean, Students, at the School of Graduate Studies, as well as with Professor Balot and Professor Bernstein, via teleconference. The Student was represented by a lawyer, Julia Wilkes. During the meeting, the Student admitted that he had committed plagiarism in the Thesis.
25. The next day, on November 10, 2016, Vice-Dean De Nil sent a letter to the Student summarizing their meeting and advising that he would be referring the matter to the Provost. A copy of Vice-Dean De Nil's letter is included in the JBD at Tab 7.

E. Consent to Submit Thesis to Turnitin and Ithenticate

26. On June 26, 2017, the Student provided consent to the University for the submission of the Thesis to two online databases: Turnitin.com and Ithenticate.com. A copy of the consent form executed by the Student is included in the JBD at Tab 8. Turnitin.com and Ithenticate.com are databases that contain academic works and online sources, used for the purposes of detecting plagiarism. The Thesis had not previously been submitted to either of the databases.

F. Comparison between Thesis and Sources

27. The submission of the Thesis to the databases revealed additional passages that had been taken verbatim or nearly verbatim without appropriate attribution (beyond those identified by Professor Jurdjevic). An annotated and highlighted copy of the Thesis is included in the JBD at Tab 9.
28. The sources from which the Student plagiarized are:
- (a) “A Great and Wretched City: Promise and Failure in Machiavelli’s Florentine Political Thought” by Mark Jurdjevic, an excerpt of which is included in the JBD at Tab 9A;
 - (b) “Machiavelli’s Hybrid Republicanism” by Mark Jurdjevic, a copy of which is included in the JBD at Tab 9B;
 - (c) Review of “A Great & Wretched City: Promise and Failure in Machiavelli’s Florentine Political Thought” by Robert Black, a copy of which is included in the JBD at Tab 9C;
 - (d) “Machiavelli” by Robert Black, an excerpt of which is included in the JBD at Tab 9D;
 - (e) “Actors and Structures in Machiavelli’s *Istorie Fiorentine*” by Sverre Bagge, a copy of which is included in the JBD at Tab 9E;
 - (f) “Virtue, Commerce, and the Enduring Florentine Republican Moment: Reintegrating Italy into the Atlantic Republican Debate” by Mark Jurdjevic, a copy of which is included in the JBD at Tab 9F;
 - (g) “The Virtue of Ruin in Machiavelli’s *Florentine Histories*” by Jack D’Amico, a copy of which is included in the JBD at Tab 9G;

- (h) “John Adams’s Machiavellian Moment” by C. Bradley Thompson, a copy of which is included in the JBD at Tab 9H;
- (i) “Giannotti and Contarini: Venice as Concept and as Myth” by J.G. A. Pocock, a copy of which is included in the JBD at Tab 9I;
- (j) “Civic Humanism: The Florentine Legacy” at <http://www2.idehist.uu.se/distans/ilmh/Ren/civic-mixed.htm>, a copy of which is included in the JBD at Tab 9J; and
- (k) “Justice and Injustice” in *Machiavelli’s Ethics* by Erica Benner (Princeton), a copy of which is included in the JBD at Tab 9K

(collectively, the “Sources”).

29. The copy of the Thesis at Tab 9 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 Sources. The highlighting in the Thesis at Tab 9 of the JBD corresponds to the highlighting contained in the Sources at Tabs 9A through 9K of the JBD.

G. Admissions and Acknowledgements

30. The Student admits that he inadvertently but knowingly (as defined in the Code of *Behaviour on Academic Matters*):
- (a) included verbatim or nearly verbatim excerpts from the Sources in the Thesis;
 - (b) failed to attribute appropriately those verbatim or nearly verbatim excerpts to the Sources, including through the use of citations, quotation marks or other appropriate means;

- (c) represented in the Thesis 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*.

31. The Student acknowledges that:

- (a) the Provost has advised the Student of his right to obtain legal counsel and that he has done so; and
- (b) he is signing this ASF freely and voluntarily, knowing of the potential consequences he faces, and does so with the advice of counsel.

Decision of the Tribunal on the Charges

- 6. The University must establish on a balance of probabilities through clear and convincing evidence that an academic offence has been committed by the Student.
- 7. In this case, in light of the evidence contained in the Agreed Statement of Facts, which includes certain admissions and acknowledgements by the Student, as well as the Joint Book of Documents, the Tribunal found that the Student had committed an academic offence as set out in Charge #1 in that:

In or around August 2015, you knowingly represented as your own the ideas or expression of ideas or works of another in the dissertation entitled “Machiavelli’s Republicanisms: Society, Discord and the Politics of Equilibrium in the *Florentine Histories*” (the “Dissertation”), which you submitted in conformity with the requirements for the degree of Doctor of Philosophy, contrary to section B.I.1(d) of the *Code*.

- 8. The Tribunal is satisfied that there is clear and convincing evidence that the Student knowingly represented another’s ideas, expression of ideas and/or work as his own.

9. The plagiarism at issue consists of approximately 50 passages that were taken from the work of Dr. Jurdjevic (who first discovered the plagiarism) or from other works without appropriate attribution. In particular, there are many instances of passages that were taken verbatim or nearly verbatim without appropriate citation. In other cases they were paraphrased without appropriate citation.
10. The University's counsel provided the Tribunal with an annotated copy of the Thesis highlighting each of these instances. The Tribunal reviewed a number of these passages in detail. While the Tribunal recognizes that the Student was operating on a compressed timeline for completion of his thesis, there is no question that the result of this compressed timeline was a thesis which quite clearly contains plagiarized passages.
11. It is significant that the Student was aware of the importance of academic integrity when he began his thesis and admitted that he had committed plagiarism when confronted with it.
12. In light of the Tribunal's finding on Charge #1, Charges #2 and #3 were withdrawn by the Provost.

The Evidence Related to Penalty

13. The Agreed Statement of Facts on Penalty is reprinted below (without source documents) save and except for paragraphs 4-6 which have been removed at the request of the Student's counsel on the basis that they summarize information relating to the Student's medical circumstances which need not be published.
14. Counsel for the University took no position on this request provided that these reasons adequately describe the circumstances supporting the Penalty. The Tribunal was content to proceed in this manner.
 1. This matter arises out of charges of academic misconduct filed on January 17, 2017 by the Provost of the University of Toronto (the "Provost") under the *Code of Behaviour on Academic Matters* ("Code"). The Provost and

M [REDACTED] S [REDACTED] (the "Student") have prepared this Agreed Statement of Facts on Penalty ("ASF on Penalty"). The Provost and the Student agree that:

- (a) each document attached to this ASF on Penalty may be admitted into evidence at the Tribunal for all purposes, including for the truth of the document's contents, without further need to prove the document;
- (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; and
- (c) this ASF on Penalty uses the same defined terms as those used in the Agreed Statement of Facts.

A. *The Thesis*

- 2. The Student admits that, had the plagiarism in the Thesis been detected before he was conferred his Doctor of Philosophy degree, the degree would not have been granted.
- 3. The Student's Ph.D. supervisor, Professor Balot, has advised the Provost that he is not prepared to accept the resubmission of the Thesis or to continue to work with the Student on his Ph.D.

B. *The Student's Medical Circumstances*

- 4. [INFORMATION REDACTED]
- 5. [INFORMATION REDACTED]
- 6. [INFORMATION REDACTED]

C. *Other Circumstances Surrounding Discovery of Plagiarism*

7. In or around September 2015, the Student prepared an application to the Social Sciences and Humanities Research Council for a 2015-16 Postdoctoral Fellowship in the Center for Political Thought, which included a letter of interest and description of his Thesis. A copy of the description of the Student's Thesis is attached at Tab 1.
8. As part of his application, the Student requested that Professor Mark Jurdjevic prepare a letter of support on his behalf.
9. On review of the Student's description of the Thesis, Professor Jurdjevic recognized a number of passages from his own work that were not properly cited. On September 20, 2015, Professor Jurdjevic sent an email to the Student about the passages that he had identified. The Student apologized and accepted that he had made a mistake. He also indicated that he would make the necessary changes to the description. A copy of the email exchange between the Student and Professor Jurdjevic is included in the JBD at Tab 2.
10. As set out in the Agreed Statement of Facts, Professor Jurdjevic subsequently reviewed the Thesis and determined that passages in the Thesis had been plagiarized.

D. *Events following Discovery of Plagiarism*

11. As set out in the Agreed Statement of Facts, the Student was accepted to a post-doctoral fellowship with ASU. Although the fellowship was originally scheduled to commence in August 2015, due to issues relating to his visa, he did not start his fellowship with ASU until November 2015.
12. The Student completed the post-doctoral fellowship with ASU as of June 30, 2017.

13. As of August 2016, when the Student met with Professor Balot and Professor Bernstein with respect to the allegation of academic misconduct in the Thesis, the Student had an advance contract with a publisher to publish a book, provisionally entitled “Machiavelli’s Republicanisms”, which would build on the Student’s work in the Thesis (the “Book Project”).
14. After the allegation of academic misconduct in the Thesis came to light, the Student voluntarily withdrew from the Book Project.
15. The Student is currently working in Toronto as a Bilingual Coordinator at a non-profit organization that promotes education and resources about physical activity and its role in developing and maintaining healthy individuals and communities. He manages a group of French-speaking ambassadors that advocate the organization’s mission in their respective regions.

E. Acknowledgments

16. The Student acknowledges that:
 - (a) the Provost advised him of his right to obtain legal counsel, and he has done so; and
 - (b) he is signing this ASF on Penalty freely and voluntarily, knowing of the potential consequences she faces.
15. Further, the Student provided certain undertakings and has acknowledged certain positions taken by the University which are relevant to the Tribunal's consideration of the penalty submission. They are as follows:
 - (a) The Student undertakes not to enrol in, or apply for admission to, any program or course at the University until the Fall 2020 term or later. For clarity, however, he may submit an application to the University before the Fall 2020 term provided that the first term in which he would be enrolled is Fall 2020 or later.

- (b) The Student understands and agrees that whether he will be permitted to enrol at the University, including in the Doctor of Philosophy program, will be determined by the University at such time as his application is received. For clarity, the University may consider the circumstances surrounding the commission of this academic offence and the sanction imposed in assessing the Student's application.
- (c) The Student further understands and agrees that a notation will be placed on his academic record and transcript indicating that he is not permitted to enrol in, or apply for admission to, the University until the Fall 2020 term or later. Such notation will be removed as of September 1, 2020.
- (d) The Student agrees that should he contravene the undertaking given at paragraph 4 and should he become enrolled in a program or course at the University before Fall 2020, the University will be entitled to withdraw his admission from such program or course.
- (e) The Student further undertakes to return his degree certificate to the University, and consents to the removal of his thesis from the University library and the Library and Archives Canada, and any affiliated organizations or databases, and will sign any documents or take any such acts as are required to facilitate the removal of his thesis from such libraries, organizations or databases.

Decision of the Tribunal on the Penalty

- 16. In this case, the plagiarism is unambiguous but must be assessed in its context. It occurred in a significant work in which many sources were identified and where effort was clearly made to properly attribute to those sources.
- 17. While not a defence or an excuse for the conduct, the Tribunal recognizes that the conduct occurred in the context of an expedited timeline for delivery of the thesis, coinciding with a time when the Student was without certain personal supports

which were previously available to him (outside of the University) and which could have assisted him in managing this expedited timeline.

18. It must be noted that the Student was confronted with a concern about attribution by Professor Jurdjevic in September 2015 before the issues with the thesis itself were discovered. While the Student admitted the attribution problem at that time, he took no steps to address the more significant and underlying issue, being the plagiarism in the thesis itself.
19. With the preceding caveat, the Student has no history of plagiarism or other misconduct with the University and admitted his guilt in relation to the thesis itself both initially and for purposes of this hearing. He has taken no steps to oppose, delay or challenge this process. In fact, he has co-operated throughout, recognizing the seriousness of the consequences likely to follow.
20. The offence is serious however because it occurred in the context of a dissertation thesis, which had significant visibility as a work authored by a student of the University. The Student intended the thesis to form the basis for a book, where it would have had even greater prominence and visibility as a representation of the University's academic quality.
21. The Tribunal considered a series of cases which were presented to it and which addressed plagiarism or similar misconduct in the context of a thesis.
22. The cases assisted the Tribunal in supporting the sanction to which the parties agreed in this case as they demonstrated that in the context of a thesis dissertation, even without a history of prior offences, a sanction of zero in the course and a recall and cancellation of the degree, as applicable, is appropriate. They also establish that where there are certain mitigating factors (no previous history of academic offences, co-operation), the opportunity to re-apply to the University at a future date is appropriate. There is a high threshold for departing from a joint submission on penalty (The University of Toronto and M.A. (Case No. 837, December 22, 2016). It has not been met in this case.

23. On the basis of its consideration of the evidence and the benefit of guidance from similar cases the Tribunal accepts the joint submission of the University and the Student. Accordingly, the Tribunal made an order as follows:
- (a) a final grade of zero in the course RST9999Y;
 - (b) a recommendation by the Tribunal to the Governing Council that the Student's Doctor of Philosophy degree, conferred November 2015, be cancelled and recalled; and
 - (c) a permanent notation of the sanction on his academic record and transcript.
24. The case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the name of the Student withheld.

Dated at Toronto this 12th day of March, 2018



Ms. Cheryl Woodin, Chair