

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on August 1, 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

B E T W E E N:

**UNIVERSITY OF TORONTO (the “University”)**

- and -

**H [REDACTED] E [REDACTED] (the “Student”)**

**REASONS FOR DECISION**

**Hearing Date:** November 22, 2017

**Panel Members:**

Ms. Michelle S. Henry, Lawyer, Borden Ladner Gervais LLP, Chair  
Professor Michael Saini, Faculty Panel Member  
Mr. Andrey Lapin, Student Panel Member

**Appearances:**

Mr. Pouya Makki, Legal Case Worker for the Student, Downtown Legal Services  
Ms. Tina Lie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

**In Attendance:**

The Student  
Dr. Kristi Gourlay, Manager & Academic Integrity Officer, Faculty of Arts and Science  
Mr. Benny Chan, Student at Law, Borden Ladner Gervais LLP  
Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances  
Ms. Joan Griffin, Assistant Secretary, Office of the Governing Council (Observer)  
Mr. Sean Lourim, Technology Assistant, Office of the Governing Council

1. A Hearing of the Trial Division of the University Tribunal convened on November 22, 2017, to consider charges of academic dishonesty brought by the University against the Student under the *Code of Behaviour on Academic Matters*, 1995 (the “Code”). The Student was informed of the charges by letter dated August 1, 2017, from Professor Sioban Nelson, Vice-Provost, Faculty & Academic Life.

## **THE CHARGES**

2. At all material times, the Student was a registered student at the University of Toronto, Faculty of Arts & Science. The University alleges that the Student engaged in the following offences:
  1. On or about December 10, 2016, the Student knowingly represented as his own an idea or expression of an idea or work of another in an assignment that he submitted in POL224Y1 (Canada in Comparative Perspective) (the “POL224”), contrary to section B.I.1(d) of the Code.
  2. In the alternative, on or about December 10, 2016, the Student knowingly obtained unauthorized assistance in connection with an assignment that he submitted in POL224, contrary to section B.I.1(b) of the Code.
  3. In the further alternative, on or about December 10, 2016, the Student 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 an assignment that he submitted in POL224, contrary to section B.I.3(b) of the Code.
  4. On or about March 16, 2017, the Student knowingly represented as his own an idea or expression of an idea or work of another in an essay that he submitted in HIS242H1 (Contemporary Europe) (“HIS242”), contrary to section B.I.1(d) of the Code.
  5. In the alternative, on or about March 16, 2017, the Student knowingly obtained unauthorized assistance in connection with an essay that he submitted in HIS242, contrary to section B.I.1(b) of the Code.
  6. In the further alternative, on or about March 16, 2017, the Student 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 an essay that he submitted in HIS242, contrary to section B.I.3(b) of the Code.

7. On or about April 11, 2017, the Student 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 an essay that he represented to his instructor as having been submitted in HIS244H1 (Early Modern Europe, 1648-1815) (“HIS244”), contrary to section B.I.3(b) of the Code..

### **AGREED STATEMENT OF FACTS**

3. The Hearing proceeded on the basis of an Agreed Statement of Facts, which was marked as Exhibit 1 at the Hearing. The Panel also received a Joint Book of Documents that is referred to in the Agreement Statement of Facts, which was marked as Exhibit 2 at the Hearing. The following is an abridged version of the Agreed Statement of Facts.

#### **First Offence – POL224**

4. In the Fall 2016 and Winter 2017, the Student enrolled in POL224Y1 (Canada in Comparative Perspective) (“POL224”), which was taught by Professor Ludovic Rheault. Students in POL224 were required to submit an assignment (“Assignment #1”), worth 20% of their final grades, by November 14, 2016. Students were required to submit their assignments to Turnitin, which is a database of articles, other student submissions and online sources for the purposes of detecting plagiarism.
5. On December 10, 2016, the Student submitted his Assignment #1, entitled “Regime Type and its Impact on Corruption” (the “POL224 Assignment”), to Turnitin.
6. The Turnitin report returned a 98% similarity index with a paper, also entitled “Regime Type and its Impact on Corruption”, that had been submitted by another student in the course (the “Other Student’s Paper” and the “Other Student”, respectively) on November 14, 2016. The Student’s POL224 Assignment was almost identical to the Other Student’s Paper.
7. On December 14, 2016, the Student met with Professor Reheault to discuss the allegation of academic misconduct involving the Student’s POL224 Assignment. On March 31, 2017, the Student met with Professor John Britton, Dean’s Designate for Academic Integrity. During the meeting, the Student claimed that he had submitted the hard copy of his POL224 Assignment in class and the electronic copy to Turnitin before the deadline of November 14, 2016. He claimed that he had some issues with Turnitin but assumed that it was submitted on time. The Student told Professor Britton that, on November 30, 2016, when he went to pick up the marked assignment, he learned that his teaching assistant never received it. As a result, he resubmitted the assignment to Turnitin on December 10, 2016, but since he had lost the original assignment, he had to

“redo” it all over again. He claimed that he worked independently on the assignment and denied committing an academic offence. The meeting on March 31, 2017 was adjourned to permit the Office of Student Academic Integrity (“OSAI”) to conduct further investigations.

8. In April 2017, OSAI conducted further investigations into the alleged offence in POL224. In addition, Professor Rheault met with the Other Student. Following these investigations, OSAI and Professor Rheault remained of the view that the Student had committed an academic offence. Based on the investigation, there were no grounds to pursue an academic discipline case against the Other Student.

### **Second Offence – HIS242**

9. In Winter 2017, the Student enrolled in HIS242H1 (Contemporary Europe) (“HIS242”), which was taught by Mr. Vasilis Dimitriadis. Students in HIS242 were required to submit a term essay, worth 25% of their final grades, by March 16, 2017.
10. On March 16, 2017, the Student submitted his term essay entitled, “Why did attempts to appease to Hitler Fail?” (the “HIS242 Essay”). The Student’s teaching assistant noticed that the language used in the HIS242 Essay was inconsistent with the Student’s vocabulary and English skills (based on her interactions with him). A Google search of the title of the HIS242 Essay returned an immediate hit – a 12 page essay with the same name that had been posted to [www.academia.edu](http://www.academia.edu) (the “Online Source”). The home page for [www.academia.edu](http://www.academia.edu) indicates that [www.academia.edu](http://www.academia.edu) is “the easiest way to share papers with millions of people across the world for free”.
11. On review, Mr. Dimitriadis and the Student’s teaching assistant determined that the entirety of the HIS242 Essay was taken verbatim from the Online Source (except that the footnotes in the Online Source were endnotes in the HIS242 Essay).
12. On April 18, 2017, the Student met with Mr. Dimitriadis and his teaching assistant to discuss the allegation of academic misconduct in the HIS242 Essay.

### **Third Offence – HIS244**

13. In Winter 2017, the Student enrolled in HIS244H1 (Early Modern Europe, 1648-1815) (“HIS244”), which was taught by Professor Paul Cohen. Students in HIS244 were required to submit a final essay by March 30, 2017, worth 35%. The final essays were to be submitted in hard copy in class and electronically to Turnitin.
14. The Student did not submit his final essay either in hard copy or electronically. On April 11, 2017, at the end of the final exam for HIS244, the teaching assistants returned the marked final essays to students. The Student told his teaching assistant and Professor

Cohen that he had submitted his final essay and that it had not been returned to him. The Student's teaching assistant searched but could not locate either a hard copy or an electronic copy of the Student's final essay.

15. That day, the Student sent Professor Cohen an email, in which he wrote: "I spoke with you earlier that my TA can't find the hard copy of my essay and the electronic copy that I submitted to turnitin. I just want [to] know what's going on."
16. Professor Cohen responded that evening that he and the teaching assistants had conducted a careful search and had not found a hard copy of the Student's essay. Professor Cohen also advised that he had consulted Turnitin and there was "no trace of an electronic submission." Professor Cohen asked the Student for further details about his submission.
17. The next day, on April 12, 2017, the Student wrote to Professor Cohen:

Dear Dr. Cohen,

I submitted the hard copy of the essay on Thursday, March 30<sup>th</sup> to my TA Spirit Waite right after lecture when it was due. The electronic copy on the other hand, I uploaded it on Tuesday, March 28<sup>th</sup>, but I don't exactly know what time it was. I'm assuming that it was either in the afternoon or evening between 3-9pm. I'm not exactly sure with the times. It could possibly be earlier than that, but I know for sure I uploaded it on the 28<sup>th</sup> of March.

H [REDACTED]

18. Professor Cohen responded, asking for a "Submission ID number" for the Student's submission to Turnitin. The next day, on April 13, 2017, the Student wrote, "I received a Submission ID number but I don't remember it because I deleted the Turnitin receipt that I got after submitting it."
19. On April 18, 2017, the Manager, Academic & Collaborative Technology Support Centre for Teaching Support & Innovation at the University, sent an inquiry to Turnitin's Help Desk to inquire about the Student's alleged submission on March 28, 2017. Turnitin Product Support advised that there were "no records of any submission attempts for [the Student] on 3/28/17".
20. On April 25, 2017, the Student met with Professor Cohen to discuss the allegation of academic misconduct involving the final essay in HIS244.

### **Meeting with Dean's Designate and the Student's Admissions**

21. On May 12, 2017, the Student met with Professor Britton to discuss the three allegations of academic misconduct in POL 224, HIS242, and HIS244. During the meeting the Student:
  - a. maintained that the POL224 Assignment was his own work, and denied committing an academic offence;
  - b. admitted that he had plagiarized from the Online Source in his HIS242 Essay, and that that constituted an academic offence; and
  - c. admitted that he had not submitted a final essay in HIS224; however, he claimed that he was confused and could not think straight, and did not intend to mislead or misrepresent. As a result, he did not admit to committing an academic offence.
  
22. As part of the Agreed Statement of Facts, the Students admitted the following:
  - a. With respect to the POL224 Assignment, the Student admits that he knowingly included verbatim or nearly verbatim text and ideas in the POL224 Assignment that were taken from the Other Student's Paper. He admits that he failed to attribute the verbatim or nearly verbatim text and ideas appropriately using citations, references or other appropriate means; that he represented in the POL224 Assignment the ideas of another person, the expression of the ideas of another person, or the work of another person as his own; and committed plagiarism, contrary to section B.I.1(d) of the *Code*. The Student further admits that he obtained a copy of the Other Student's Paper without the Other Student's permission.
  - b. With respect to the HIS242 Essay, the Student admits that he knowingly included verbatim or nearly verbatim text and ideas in the HIS242 Essay that were taken from the Online Source; he failed to attribute the verbatim or nearly verbatim text and ideas appropriately using citations, references or other appropriate means; he represented in the HIS242 Essay the ideas of another person, the expression of the ideas of another person, or the work of another person as his own; and committed plagiarism, contrary to section B.I.1(d) of the *Code*.
  - c. With respect to the final essay in HIS244, the Student admits that he knowingly represented to his instructor and teaching assistant that he had submitted a final essay in HIS244 when he had not done so; made these false representations with the intention of misleading his instructor and teaching assistant into believing that

he had submitted a final essay in HIS244 when he had not; and engaged in the foregoing conduct in order to obtain academic credit or other academic advantage.

## **FINDINGS ON CHARGES**

23. Following deliberations and based on the Agreed Statement of Facts and the Joint Book of Documents, the Panel concluded that charges 1, 4 and 7 (as outlined in paragraph 2 above) had been proven with clear and convincing evidence on a balance of probabilities, and accepted the guilty pleas of the Student in respect of those charges.
24. The Panel was advised that if the Tribunal convicts the Student on charges 1, 4, and 7 outlined above in paragraph 2, the University would withdraw the alternative charges. Accordingly, the Panel makes no findings with respect to charges 2, 3, 5, and 6.

## **PENALTY**

25. The University and the Student submitted an Agreed Statement of Facts on Penalty and a Joint Submission on Penalty recommending the following penalty:
  - a. a final grade of zero in the course POL224Y1 in Fall 2016 and Winter 2017;
  - b. a final grade of zero in the course HIS242H1 in Winter 2017;
  - c. a final grade of zero in the course HIS244H1 in Winter 2017;
  - d. a suspension from the University of Toronto from January 1, 2018 to December 31, 2021; and
  - e. a notation of the sanction on his academic record and transcript from the day the Tribunal makes its order to December 31, 2023.
26. The parties also agreed 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.
27. In addition to the above penalties, the Student also provided an undertaking to complete at least six "Writing Plus" workshops offered by the St. George Campus College Writing Centre within the first two terms in which he is next registered for a course at the University. In the event that such workshops are not available at the time the Student attempts to complete them, the University will, acting reasonably, propose alternate and equivalent programs that the Student shall complete to fulfil his undertaking.
28. The Student further agreed and accepted that he will not be eligible to graduate from the University until he fulfils the above undertaking and the University may rely on this

undertaking to deny him the ability to graduate until it is fulfilled. The undertaking did not form part of the Tribunal's Order.

29. Discipline Counsel provided submissions on the high threshold required for a Tribunal to deviate from the joint submission on penalty. As set out in the Appeal Board in *S.F. and The University of Toronto* (Case No. 690 – Appeal, dated October 20, 2014), only truly unreasonable or “unconscionable” joint submissions should be rejected (see paragraph 22). In the Panel's view the joint submission in this case is reasonable.
30. The Panel also heard submissions regarding the appropriateness of the penalty, reviewed relevant past decisions of the Tribunal submitted by the University, and considered the factors set out in *University of Toronto* and *Mr. C.* (Case No.: 1976/77-3; dated November 5, 1976), namely: 1) the character of person charged; 2) the likelihood of repetition of the offence; 3) the nature of offence committed; 4) any extenuating circumstances surrounding the commission of the offence; 5) detriment to the University occasioned by the offence; and 6) the need to deter others from committing a similar offence.
31. With respect to his character, as noted by Discipline Counsel, the Student admitted guilt to the second offence but denied the first and the third offence. I will point out that, during the hearing, when asked how he had obtained the Other Student's Paper to submit as his own POL224 Assignment, the Student indicated that he was in the library before the due date of the POL224 Assignment; he spotted the assignment of another student in question on the table, and took the assignment in order to plagiarize it. I will say that the Panel did not find this explanation to be very credible.
32. Having said this, the Student ultimately came before Tribunal and admitted to all three offences, and that admission of guilt does demonstrate insight and remorse. The Student had also cooperated in the process and had attended all meetings, which demonstrated ownership, and responsibility for actions. These were all mitigating factors.
33. The Panel also took into consideration the serious and deliberate nature of the offences and the detriment to the University.
34. Having regard to the above, and based on the review of similar cases provided by Counsel to the University, the Panel agrees that the recommended sanctions are appropriate.

## **DECISION OF THE PANEL**

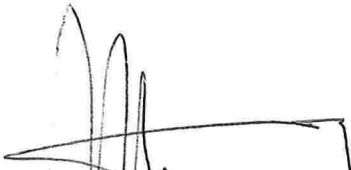
35. At the conclusion of the hearing, the Panel made the following order:



- a. **THAT** the Student is guilty of two counts of knowingly representing as his own an 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, contrary to section B.I.1(d) of the *Code*.
- b. **THAT** the Student is guilty of one count of knowingly engaging 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*.
- c. **THAT** the following sanctions shall be imposed on the Student:
  - i. a final grade of zero in the course POL224Y1 in Fall 2016 and Winter 2017;
  - ii. a final grade of zero in the course HIS242H1 in Winter 2017;
  - iii. a final grade of zero in the course HIS244H1 in Winter 2017;
  - iv. a suspension from the University of Toronto from January 1, 2018 to December 31, 2021; and
  - v. a notation of the sanction on his academic record and transcript from the day the Tribunal makes its order to December 31, 2023.
- d. **THAT** this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the Student's name withheld.

36. An Order was signed at the hearing by the Panel to this effect.

DATED at Toronto, February 16, 2018.



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Michelle S. Henry, Co-Chair