



FILE: 2000/01-04
(see supplemental reasons at 2000/01-06)

June 1st, 2001

VIA FACSIMILE: (416) 923-8358

Ms M.C.
c/o Mr. Zak Muscovitch
Neinstein & Associates
60 Bloor Street West
Toronto, ON M4W 3B8

Dear Ms C.:

At its hearing held on May 29th, 2001, the Trial Division of the University Tribunal considered the following charges against you:

1. On or about January 17th, 2000, you did knowingly represent as your own, an idea or an expression of an idea, and/or a work of another in connection with a form of academic work, namely, in a take-home test submitted to fulfill course requirements in SOC 203Y, contrary to Section B.I.1(d) of the *Code of Behaviour on Academic Matters, 1995*. Pursuant to Section B of the *Code* you are deemed to have acted knowingly if you ought reasonably to have known that you represented as your own, an idea or expression of an idea or work of another.
2. On or about April 3rd, 2000, you did knowingly represent as your own, an idea or an expression of an idea, and/or a work of another in connection with a form of academic work, namely, in an essay submitted to fulfill course requirements in SOC 203Y, contrary to Section B.I.1.(d) of the *Code of Behaviour on Academic Matters, 1995*. Pursuant to Section B of the *Code* you are deemed to have acted knowingly if you ought reasonably to have known that you represented as your own an idea or expression of an idea or work of another.
3. In the alternative, on or about January 17th, 2000, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind in a take-home test submitted to fulfill course requirements in SOC 203Y contrary to Section B.1.3.(b) of the *Code of Behaviour on Academic Matters, 1995*. Pursuant to Section B of the *Code* you are deemed to have committed the offence knowingly if you ought reasonably to have known that you engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind.
4. In the alternative, on or about April 3rd, 2000, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind in an essay

submitted to fulfill course requirements in SOC 203Y contrary to Section B.1.3.(b) of the *Code of Behaviour on Academic Matters, 1995*. Pursuant to Section B of the *Code* you are deemed to have committed the offence knowingly if you ought reasonably to have known that you engaged in any form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind.

The particulars of the charges were as follows:

1. At all material times you were a student in SOC 203Y taught by Professor J. Veugelers during the 1999 to 2000 academic year.
2. Portions of your take-home test submitted on January 17th, 2000 and your essay submitted on April 3rd, 2000 were not written by you.

The panel concluded that there was a finding of guilty on charges number one and two and a finding of not guilty on charges number three and four.

The panel noted that it accepted that in both take home papers, you had failed to make it clear that the words used were taken from another source without proper attribution. This constituted plagiarism as defined in Section B.I.1.(d) of the Code, provided it was done knowingly. The panel was not prepared to make a finding that these offences were done with actual knowledge or dishonest intent. However, the panel was prepared to find that the offences were committed "knowingly" as defined in the Code in the sense that you ought reasonably to have known that you should not have taken the words from another source to such an extent without proper attribution. Accordingly, there was a finding of guilt on charges number one and two. Given the Panel's finding of no dishonest intent, the panel dismissed charges number three and four. While there had been many unusual and extenuating circumstances (e.g. the teaching assistants' strike and Ms C.'s own background and circumstances) the panel believed these issues were more appropriately dealt with in the context of penalty.

At a hearing held on May 31st, 2001, the panel heard submissions from both counsel with respect to sanction.

Following deliberation, the panel noted that it would like to render its ruling now orally and would follow up with written reasons within a reasonable time, to explain the facts and circumstances that were appropriate in light of the ruling.

In the panel's ruling on the merits, having heard all the evidence, including the respondent's evidence, the panel concludes that you have not acted with dishonest intent. In light of this ruling, the panel is called upon to impose a sanction appropriate to the offence, which in this case involves a failure to understand proper citation and attribution practices. Although this constitutes the offence of plagiarism as defined in the Code, which, is a serious offence, given the unique circumstances of this case, the panel views the offence as being more minor than one involving dishonesty. The panel believes that the nature of the sanction ought to take into account the lack of dishonest intent.

Accordingly, although an offence of plagiarism would usually involve some suspension, the panel does not believe that a suspension is warranted in this case.

The panel recommended the following:

1. The panel believes that the appropriate sanction would involve the respondent, Ms C., being allowed to complete the course in question by re-writing the two take home papers within equivalent time deadlines as the original assignments required so that a final mark for this course could be recorded on her transcript

in time for her to graduate in the fall, 2001. In this respect, the panel relied on Section C.II.B.1.(b) of the *Code*.

2. The above remedy requires the permission of the instructor. If such permission is not granted by 5:00 p.m., Friday, June 1, 2001, Ms C. should be allowed to apply for late admission to the summer offering of this course, currently in progress. And, if she so applies, she is to be granted late admission to this course.
3. If Ms C. applies for late admission to the course and, for some reason, it is not feasible for the University administration to grant such late admission, the final grade in the course is to be recorded on her transcript equal to the average of her course work already completed, excluding the two take home assignments, within time for her to graduate in June, 2001.
4. Ms C. should receive an oral and written reprimand.
5. There is to be a notation on Ms C.'s transcript, indicating that she was found guilty of this academic offence, for a period of one year from this date (May 31st, 2001).
6. That this case be reported to the Provost for publication in University newspapers, with Ms C.'s name withheld.

Information concerning rights of appeal may be found in Section E. of the *Code of Behaviour on Academic Matters*. The deadline for filing an appeal is June 21st, 2001.

Yours sincerely,

Margaret McKone

Ms Margaret McKone
University Tribunal

Copies: Susan Bartkiw, Arts and Science
Paul Gooch, Vice-Provost
Lily Harmer, Discipline Counsel
Zak Muscovitch, Defence Counsel
Tribunal Panel Members