

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on May 3, 2021,

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:

UNIVERSITY OF TORONTO

- and -

A [REDACTED] S [REDACTED]

REASONS FOR DECISION

Date of Hearing: November 15, 2022, via Zoom

Members of the Panel:

Karen Symes, Chair
Professor Emily Nacol, Faculty Panel Member
Jessica Johnson, Student Panel Member

Appearances:

Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Daniel Goldbloom, Counsel for the Student, Goldbloom Law

Hearing Secretary:

Carmelle Salomon-Labbé, Associate Director, Office of Appeals, Discipline and Faculty Grievances

In Attendance:

A [REDACTED] S [REDACTED]

Charges and Hearing

1. This Panel of the University Tribunal held a hearing, via Zoom, on November 15, 2022, to consider the charges brought by the University of Toronto (the “University”) against A■■■■ S■■■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 1995* (the “Code”).
2. The charges against the Student are as follows:

Charges relating to HIS326Y5

1. On or about March 29, 2019, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in a book review that you submitted for academic credit in HIS326Y5, contrary to section B.I.1(d) of the Code.
2. In the alternative to charge 1, 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 in connection with a book review that you submitted in HIS326Y5, contrary to section B.I.3(b) of the Code.

The particulars related to charges 1 and 2 are as follows:

- (a) HIS326Y5 was taught by Kimberly Main. The course requirements included that you submit a book review for academic credit which was worth 15% of the final grade.
- (b) On March 29, 2019, you submitted a book review titled “Mennonite Woman in Canada: A History Review”. In this book review you included verbatim and nearly verbatim excerpts from several sources without proper attribution, including:
 - i. L. Campbell, “Mennonite Women in Canada: A History (review)”, *The Canadian Historical Review*, Vol. 91, Number 1, March 2010 pp. 134-136 (Review);
 - ii. M. Redekop, “Mennonite Women in Canada: A History (review)”, *University of Toronto Quarterly*, Vol. 80, Number 2, Spring 2011, pp. 297-298 (Review);
 - iii. F. E. Klippenstein, “Manitoba History: Review: Marlene Epp, *Mennonite Women in Canada: A History*”, *Manitoba Historical Society*, Number 61, Fall 2009, www.mhs.mb.ca/docs/mb_history/61/mennonitewomen.shtml; and
 - iv. B. Froese, Reviewer, “Mennonite Women in Canada: A History”, <https://uwaterloo.ca/grebel/publications/conrad-grebel-review/book-reviews/mennonite-womencanada>.

- (c) You knowingly represented the work of another person as your own. You knowingly included in your submission ideas and the expressions of ideas that were not your own, but those of another person, and verbatim or nearly verbatim text of another person, which you did not acknowledge. For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in HIS326Y5.

Charges relating to HIS358H5S

3. On or about August 8-14, 2019, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in a book review that you submitted for academic credit in HIS358H5S, contrary to section B.I.1(d) of the Code.

4. In the alternative to charge 3, 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 in connection with a book review that you submitted in HIS358H5S, contrary to section B.I.3(b) of the Code.

The particulars related to charges 3 and 4 are as follows:

- (a) HIS358H5S was taught by Kassandra Luciuk. The course requirements included that you submit a book review for academic credit which was worth 35% of the final grade.
- (b) On or about August 14, 2019, you submitted a book review titled “Spying 101 – Book Review”. In this book review, you included verbatim and nearly verbatim excerpts from several sources without proper attribution including:
- i. O. Balkilic “Book Review Spying 101: The RCMP’s Secret Activities at Canadian Universities, 1917-1997”, www.cejiss.org/book-review/spying-101-the-rcmp-s-secret-activities-at-canadianuniversities-1917-1997; and
 - ii. G. A. Jones, Reviewed in “History of Intellectual Culture”, <http://www.ucalgary.ca/hic> • ISSN 1492-7810 2006 • Vol. 6, No. 1.
- (c) You knowingly represented the work of another person as your own. You knowingly included in your submission ideas and the expressions of ideas that were not your own, but those of another person, and verbatim or nearly verbatim text of another person, which you did not acknowledge. For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in HIS358H5S.

Charges Related to CIN400H5F

5. On or about October 11, 2019, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in an essay that you submitted for academic credit in CIN400H5F, contrary to section B.I.1(d) of the Code.

6. In the alternative to charge 5, 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 in connection with an essay that you submitted in CIN400H5F, contrary to section B.I.3(b) of the Code.

The particulars related to charges 5 and 6 are as follows:

- (a) CIN400H5F was taught by Matthew Stoddard. The course requirements included that you submit for academic credit an essay which was worth 20% of the final grade.
- (b) On October 11, 2019, you submitted the essay titled “Man with a Movie Camera The truth machine” in CIN400H5F. In your essay you included verbatim and nearly verbatim text from A. Michaelson, “From Magician to Epistemologist: Vertov’s The Man With A Movie Camera”, 1972, https://doi.org/10.1162/OCTO_a_00312, without proper attribution.
- (c) You knowingly represented the work of another person as your own. You knowingly included in your essay ideas and the expressions of ideas that were not your own, but those of another person, and verbatim or nearly verbatim text of another person, which you did not acknowledge. For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in CIN400H5F.

Charges related to CIN302H5F

7. On or about October 28, 2019, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in a mid-term essay that you submitted for academic credit in CIN302H5F, contrary to section B.I.1(d) of the Code.

8. In the alternative to charge 7, 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 in connection with a mid-term essay that you submitted in CIN302H5F, contrary to section B.I.3(b) of the Code.

9. On or about December 7, 2019, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in a final essay that you submitted for academic credit in CIN302H5F, contrary to section B.I.1(d) of the Code.

10. In the alternative to charge 9, 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 in

connection with a final essay that you submitted in CIN302H5F, contrary to section B.I.3(b) of the Code.

The particulars related to charges 7 through 10 are as follows:

- (a) CIN302H5F was taught by Matthew Stoddard. The course requirements included that you submit for academic credit a mid-term essay which was worth 25% of the final grade, and a final essay which was worth 35% of the final grade.
 - (b) On October 28, 2019, you submitted the mid-term essay titled “Hidden Between the Frames An analysis of The Prestige” in CIN302H5F. In your mid-term essay you included verbatim and nearly verbatim text from various sources without proper attribution, including:
 - i. L.R. Emery, “This Case Study of The Prestige Nails the Metacinema of Christopher Nolan”, <https://www.whatweseee.com/2017/05/29/this-the-prestige-case-study-nails-the-metacinema-ofchristopher-nolan/>; and
 - ii. The Prestige Hiding In Plain Sight.en – Notepad, <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjE3IC4i6TvAhWPFVkJFHXreDiMQFjAHegQIDBAD&url=https%3A%2F%2Famara.org%2Fet%2Fsubtitles%2FG66Fc22qtECS%2Fen%2F6%2Fdownload%2FThe%2520Prestige%2520Hiding%2520In%2520Plain%2520Sight.en.txt&usg=AOvVaw29xcGXBdKRA0ucUzTwq4fF>.
 - (c) On December 7, 2019, you submitted the final essay titled “Scorsese’s Capitalism An Analysis of the Wolf of Wall Street” in CIN302H5F. In your final essay you included verbatim and nearly verbatim text from a YouTube video at https://www.youtube.com/watch?v=6UcQxHYda54&feature=emb_logo.
 - (d) You knowingly represented the work of another person as your own in each of the mid-term essay and the final essay. You knowingly included in your mid-term and final essays ideas and the expressions of ideas that were not your own, but those of another person, and verbatim or nearly verbatim text of another person, which you did not acknowledge. For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in CIN302H5F.
3. The Student and Assistant Discipline Counsel, on behalf of the University, were able to reach an agreement and the hearing proceeded on the basis of an Agreed Statement of Facts (“ASF”) and Joint Submission on Penalty (“JSP”).
 4. The Panel reviewed the ASF and the Joint Book of Documents (“JBD”) filed confirming the facts set out in the ASF before and during the course of the hearing. A summary of the agreed facts follows.

Evidence and Findings

5. The Student has been enrolled in University of Toronto Mississauga (“UTM”) since the Fall 2014 term. In Winter 2016, the Student was suspended for one year due to a low cumulative grade point average (“CGPA”). The Student was placed on academic probation when he returned for the Summer 2017 term. The Student’s status returned to good standing for the Winter 2018 term.

HIS326Y5

6. In the Winter 2019 academic term, the Student was enrolled in HIS326Y5S: History of Women in Canada, 1600-2000 (“HIS326”), taught by Professor Kimberly Main. The syllabus for HIS326 emphasized the importance of academic integrity and provided an excerpt from the Code, including that it was an offence to commit plagiarism.
7. As part of the HIS326 course requirements, students in the course were required to submit two book reviews. The second book review was worth 15% of the final grade (“HIS326 Book Review”). The instructions for the HIS326 Book Review required students to include in-text citations or footnotes, with page numbers. Students were also required to provide a reference list.
8. The Student submitted his HIS326 Book Review, titled “Mennonite Women in Canada: A History Review”, in which he reviewed Marlene Epp’s book *Mennonite Women in Canada: A History*, on March 30, 2019 (“Student’s HIS326 Book Review”). A copy of the Student’s marked HIS326 Book Review was included in the JBD.
9. The Turnitin.com Originality Report for the Student’s HIS326 Book Review indicated a 0% similarity index, with no similarity to any sources. However, a teaching assistant notified Professor Main about possible plagiarism concerns with the Student’s HIS326 Book Review. The teaching assistant had found the Student’s HIS326 Book Review bore significant similarities to a review by Lara Campbell titled “Mennonite Women in Canada: A History (review)” (“Campbell Review”), published by the Canadian Historical Review.
10. Professor Main reviewed the Student’s HIS326 Book Review and identified that, while it contained significant passages which were virtually identical to words, phrases and ideas in the Campbell Review, it also contained passages that appeared to have been copied from other reviews (collectively with the Campbell Review the “HIS326 Sources”).
11. Professor Main found that the Student’s plagiarism was extensive, encompassing the entirety of the Student’s HIS326 Book Review. The Student often took phrases from the HIS326 Sources and either re-ordered the words or used a thesaurus to find synonyms of the same words. Many of the synonyms chosen by the Student do not accurately translate the meaning or context of the original words from the HIS326 Sources. The use of these synonyms was successful enough to result in the 0%

similarity index reported by Turnitin. The JSP included handwritten markups on the Student's HIS326 Book Review which indicated the passages taken from the various HIS326 Sources.

12. There was no reference to any of the HIS326 Sources anywhere in the Student's Book Review. There were no footnotes or in-text citations. The Works Cited page contained a single reference to the Marlene Epp Book, which was the subject of the Student's Book Review.

HIS358H5S

13. In the Summer of 2019, the Student was enrolled in HIS358H5S: Canada Since World War Two ("HIS358"), taught by Professor Kassandra Luciuk. The HIS358 syllabus directed students in the course to the Code and asked students to consult it for more information on academic integrity.
14. As part of the HIS358 course requirements, students were required to submit a book review ("HIS358 Book Review"). The HIS358 Book Review was worth 35% of the final grade in HIS358. The instructions for the HIS358 Book Review included a link to a document titled "How Not to Plagiarize". Students in the course were also provided with a handout from "The History Student's Handbook" that included a section on quotations and referencing. Professor Luciuk reviewed these documents in class and explained how to successfully integrate existing book reviews into students' own analyses. Professor Luciuk repeatedly told students in the course that it was better to over-reference than under-reference and also advised students if they had any doubt about how to properly cite material, they could email her a draft of their assignments or visit her during office hours.
15. The Student submitted his HIS358 Book Review titled, "Spying 101 - Book Review", reviewing Steve Hewitt's *Spying 101: The RCMP's Secret Activities at Canadian Universities, 1917-1997*, on August 14, 2019. The Student's HIS358 Book Review cited the book that he was reviewing but no other works. A copy of the Student's HIS358 Book Review was included in the JBD.
16. The Turnitin Originality Report for the Student's HIS358 Book Review identified a 38% similarity index to other sources in the Turnitin database. This was the highest in the class. Professor Luciuk identified two reviews (Balkilic Review and Jones Review) that contained very similar matches, together constituting virtually the entire text of the Student's HIS358 Book Review.
17. Professor Luciuk observed that the Student's HIS358 Book Review contained a blend of the HIS358 Sources, synonyms, different verb tenses, differently ordered words, and filler language. Professor Luciuk observed that the entirety of the Student's HIS358 Book Review was structured in this manner – every single sentence corresponded directly to a sentence in either the two reviews identified by the Balkilic Review or Jones Review. The paragraphs taken from each of the Balkilic Review and the Jones Review were blended and interspersed throughout the Student's HIS358

Book Review. Turnitin did not identify the similarities between the Student's HIS358 Book Review and the Jones Review - Professor Luciuk uncovered these similarities through her own investigation following Turnitin's identification of the Balkilic Review.

18. There was no reference to either of the HIS358 Sources anywhere in the Student's HIS358 Book Review. There were no citations contained in footnotes within the Student's HIS358 Book Review. The only in-text citations were from the book that was the subject matter for the Student's Book Review. The Bibliography included at the end of the Student's HIS358 Book Review contained only one reference, and it was to the book being reviewed.

CIN302H5F

19. In Fall 2019, the Student was enrolled in CIN302H5F: Cinema in the Digital Age ("CIN302"), taught by Professor Matthew Stoddard. The course syllabus for CIN302 included a passage on the importance of maintaining academic integrity. The syllabus also included examples of potential offences under the Code, including using someone else's ideas or words without appropriate acknowledgement.
20. Students in CIN302 were required to submit a mid-term essay worth 25% of the final grade and a final essay worth 35% of the final grade in the course.

A) CIN302 Mid-term Essay

21. The Student submitted his CIN302 Mid-term Essay titled "Hidden Between the Frames An analysis of The Prestige" to Turnitin on October 28, 2019 (the "CIN302 Mid-term Essay"). The Turnitin Originality Report for the Student's CIN302 Mid-term Essay identified a 49% similarity index to other sources in the Turnitin database, including an 18% match to internet sources. The Turnitin Originality Report highlighted entire sentences in the Student's Essay that were found to be identical to sentences found in other student papers.
22. Subsequent investigation revealed that the Student's CIN302 Mid-term Essay included verbatim or nearly verbatim text from a reference cited in an article called "The video essay as a persuasive genre" by Stefani Bucu, Department of English, Stockholms Universitet, at Appendix D, Video Essay 4, "The Prestige - Hiding in plain sight (by Nerdwriter 1)" ("Prestige Source").
23. The Student's Mid-term Essay contained no citations or references of any kind. It was written in the first person, as if the words and ideas used were those of the Student, yet these words and ideas appear almost verbatim in the CIN302 Mid-term Essay Sources, which also used the first person.

B) CIN302 Final Essay

24. The Student submitted his CIN302 Final Essay titled "Scorsese's Capitalism An Analysis of the Wolf of Wall Street" to Turnitin on December 7, 2019 (the "CIN302

Final Essay"). The Turnitin Originality Report for the Student's CIN302 Final Essay identified a 25% similarity index to other sources in the Turnitin database, including:

- i. 24% match to a video on YouTube; and
 - ii. Entire sentences that were identical to sentences found in other student papers.
25. The Student's CIN302 Final Essay was discovered to contain verbatim or nearly verbatim text, without attribution, from the closed captions in the YouTube video identified by Turnitin. Synonyms were again used in various places throughout the Student's CIN302 Final Essay.
 26. The Student admitted that he did no meaningful academic work on any of the four papers. The Student admitted that he knew or ought to have known that he was representing the ideas of another author, the expression of the ideas of the author, and the work of the author as his own in each of these four Papers. The student admitted that he knew or ought to have known that he was committing plagiarism contrary to section B.1.1(d) of the Code in respect of each of the four Papers.
 27. The Student advised that the four incidents of plagiarism were isolated incidents and took place during the worst time of his life. The Student further advised that he had sought assistance through counselling at the UTM and that he was working on his citations and to be a better student.
 28. On June 3, 2022, the Student submitted a letter to Professor Heather Boon, Vice-Provost, Faculty and Academic Life regarding the misconduct. In the letter, the Student continued to take responsibility for his actions, and provided further context regarding the difficulties in his life at the relevant time. The letter closes with the following paragraph:

I cannot express how truly regretful I am of committing these acts of plagiarism. I was idiotic, reckless, and lost. The only thing I wish for now is to put my misdeeds behind me. I would like to finally attain my diploma, but first I must face the consequences for my actions.
 29. The Student also provided a copy of counselling records from the U of T Health and Wellness Centre from March 2, 2020.
 30. Following deliberations and based on the admissions made by the Student, the ASF and the supporting materials, the Panel concluded that charges 1, 3, 7 and 9 had been proven with clear and convincing evidence on a balance of probabilities, and accepted the guilty plea of the Student in respect of those charges. The Panel was advised that if it convicted the Student on those charges, the University would withdraw charges 2, 4, 5, 6, 8 and 10 and those charges were so withdrawn.

Penalty

31. The Student and University submitted a JSP in support of the following penalty:

- a. a final grade of zero in the course HIS326Y5 in Winter 2019;
 - b. a final grade of zero in the course HIS358H5S in Summer 2019;
 - c. a final grade of zero in the course CIN302H5F in Fall 2019;
 - d. a suspension from the University for four years commencing on June 1, 2021, to May 31, 2025; and
 - e. a notation of the offence on his academic record and transcript from November 15, 2022 to May 31, 2026 or his graduation from the University, whichever occurs first.
32. The parties also submitted that this 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.
33. These are serious offences. As the Tribunal stated in *The University of Toronto and S.S.* (Case No. 1219, December 9, 2021), “plagiarism diminishes the relationship of trust between the University and its students, and it undermines the evaluative process fundamental to the academic setting.” The plagiarism in the Student’s four papers was not minor or inadvertent, it was very deliberately engaged and represented virtually the entirety of the work the Student submitted.
34. The Student’s efforts to change the plagiarized material (be reordering the sentences, using synonyms, etc.) is of particular concern to the University because these efforts had, at least partially, their intended effect by going undetected by Turnitin. It is of utmost importance that the penalty imposed sends a strong message that this type of academic misconduct will be uncovered and will not be tolerated.
35. In this case, there were multiple offences committed in three different courses over a period of time. This factor must be taken very seriously as it demonstrates that there is a real risk that the Student will reoffend.
36. While these were serious offences for the reasons outlined above, there are also important mitigating factors to consider. While this involved multiple offences, the Student has no prior history of academic misconduct. The Student admitted his guilt and entered into the ASF and JSP. The Student did not attempt to minimize or justify his conduct. He accepted responsibility and expressed regret and remorse over his conduct. The offences were committed when the Student was experiencing a particularly difficult time in his life. The Student sought out counselling – through his Academic Advisor and from the Health and Counselling Centre. The Student was able to use these resources to get himself back on track academically and, by the date of the hearing, had earned enough credits to graduate. The Student expressed gratitude for his Academic Advisor and the assistance he provided to the Student.
37. As the Tribunal has stated in many cases, absent exceptional circumstances, panels are expected to accept and implement joint submissions on penalty. As set out in the

Discipline Appeals Board decision in *The University of Toronto and M. A.* (Case No. 837, December 22, 2016), a joint submission on penalty “may be rejected by a panel only in circumstances where to give effect to it would be contrary to the public interest or would bring the administration of justice into disrepute” (para 25).

38. In the Panel’s view, the joint submission in this case is neither contrary to the public interest, nor would it bring the administration of justice into disrepute. In arriving at this decision, the Panel took into consideration the nature of the offence, the detriment to the University occasioned by the offence, the need to deter other students from acting in a similar manner, the character of the Student, and the circumstances surrounding the commission of the offence (*University of Toronto v. Mr. C.* (Case No. 1976/77-3, November 5, 1976), at p. 15). The penalty proposed falls within the range of penalties imposed in other similar cases.
39. In all of the circumstances, and having reviewed the cases provided by the parties in support of the JSP, at the conclusion of the hearing, the Panel issued the following Order, which is hereby confirmed:
- a. The Student is guilty of four counts of the academic offence of plagiarism, contrary to section B.I.1(d) of the *Code of Behaviour on Academic Matters*;

The following sanctions shall be imposed on the Student:

- i. a final grade of zero in the course HIS326Y5 in Winter 2019;
- ii. a final grade of zero in the course HIS358H5S in Summer 2019;
- iii. a final grade of zero in the course CIN302H5F in Fall 2019;
- iv. a suspension from the University for four years commencing on June 1, 2021 to May 31, 2025; and
- v. a notation of the offence on his academic record and transcript from November 15, 2022, to May 31, 2026, or his graduation from the University, whichever occurs first.
- vi. that this case be reported to the Provost for publication of a notice of the Tribunal’s decision and the sanction imposed, with the Student’s name withheld.

Dated at Toronto this 21st day of February 2023.



Ms. Karen Symes, Chair
On behalf of the Panel