

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on August 25, 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

BETWEEN:

UNIVERSITY OF TORONTO

- and -

H [REDACTED] L [REDACTED]

REASONS FOR DECISION

Hearing Date: September 8, 2021, via Zoom

Members of the Panel:

Ms. Cheryl Woodin, Chair

Professor Ian Crandall, Faculty Panel Member

Mr. David Allens, Student Panel Member

Appearances:

Mr. Robert A. Centa, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

Ms. Krista Kennedy, Administrative Clerk and Hearing Secretary, Office of the Appeals, Discipline and Faculty Grievances

Not in Attendance:

H [REDACTED] L [REDACTED]

Introduction

1. The Trial Division of the University Tribunal was convened on September 8, 2021, to consider charges brought by the University of Toronto ("the University") against H [REDACTED] L [REDACTED] (the "Student") under the University of Toronto *Code of Behaviour on Academic Matters, 1995* ("the Code").
2. The Student was not represented and did not attend the hearing. Prior to the hearing the University and the Student entered into an Agreed Statement of Facts ("ASF") and Joint Submissions on Penalty ("JSP"), all of which had been reviewed and agreed to by the Student. The Student both accepted and requested that the hearing proceed in her absence and has waived any entitlement to further notice in respect of these proceedings.

The Charges and Particulars

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

Charges:

1. On or about February 10, 2020, the Student knowingly submitted, without the knowledge and approval of the instructor to whom it was submitted, an essay in JAV152H1 (20201) – History of Architecture, Landscape, Urbanism, and Art II (the "Course") for which credit had previously been obtained in another course at the University, contrary to section B.I.1(e) of the *Code*.
2. On or about February 10, 2020, the Student knowingly represented as her own an idea or expression of an idea, and/or the work of another in an essay which the Student submitted in partial completion of the requirements for the Course, contrary to section B.I.1(d) of the *Code*.
3. In the alternative to each of the charges above, 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 contrary to section B.I.3(b) of the *Code*.

Particulars

4. Particulars related to these charges are as follows:
 - (a) At all material times, the Student was a registered student in the Faculty of Architecture and Landscape Design at the University of Toronto.
 - (b) In Winter 2018, the Student registered in JAV152H1 (20181) but did not pass that course. The Student took the course again in Winter 2020.
 - (c) In Winter 2020, the Student registered in the Course, which was taught by Dr. Hans Ibelings.
 - (d) On or about February 10, 2020, the Student submitted an essay for Assignment 2 titled "The Palace Square at Saint Petersburg and architectures nearby," which was worth 25% of the final grade in the Course.
 - (e) The student had previously submitted some or all of this essay for academic credit in Winter 2018 when taking JAV152H1. The Student did not seek or obtain permission from Dr. Ibelings to submit this essay, in whole or in part, for a second time.
 - (f) The essay also contained ideas, the expression of ideas, and verbatim or nearly verbatim text from articles, textbooks, or other academic work, including the Student's prior submission without proper attribution.
 - (g) In the essay, the Student knowingly represented the work of other persons as her own, and knowingly included ideas and expressions that were not her own, but were the ideas and expressions of other persons, which the Student did not acknowledge.
 - (h) For the purposes of obtaining academic credit and/or other academic advantage, the Student knowingly committed plagiarism in the self-reflection essay submitted.
5. The University submitted that if the Tribunal were to return a finding of academic misconduct in respect of charge #1, the Provost would withdraw charges #2 and #3. The Student agreed to plead guilty to her charge.

The Evidence Related to the Charges

6. The evidence was tendered by way of an ASF. It was agreed that evidence tendered in this fashion would be submitted both for its authenticity and the truth of its contents.
7. The relevant evidence contained in the ASF, executed on August 29, 2021, is reprinted below (without the source documents which are contained in the Joint Book of Documents).

5. [The Student] first registered as a student in the Faculty of Architecture and Landscape Design at the University of Toronto in Fall 2017.
6. In Winter 2018, [the Student] enrolled in JAV152H1 – History of Architecture, Landscape, Urbanism, and Art II. She received a final grade of F in that course.

A. *JAV152H1*

7. In Winter 2020, [the Student] enrolled for a second time in JAV152H1 – History of Architecture, Landscape, Urbanism, and Art II (the "Course"), which was taught by Dr. Hans Ibelings.
8. The syllabus contained a warning about academic integrity. It stated that potential offences include, but are not limited to:

In papers and assignments:

2. Submitting your own work in more than one course without the permission of the instructor.
9. On February 10, 2020, [the Student] submitted her essay, "The Palace Square of Saint Petersburg and the architectures nearby," in completion of Assignment 2. The assignment was worth 25% of the final grade in the Course.
10. [The Student] submitted her essay through Turnitin.com. The originality report for her essay reported a 72% similarity index.

11. [The Student] admits that the Essay she submitted on February 10, 2020, contained a significant amount of text from an essay that she submitted for academic credit the first time she took JAV152H1 in Winter 2018.
12. [The Student] admits that the highlighted text in Exhibit 4 appeared verbatim or nearly verbatim in the essay she submitted for academic credit the first time she took JAV152H1 in Winter 2018.
13. [The Student] admits that she did not ask Prof. Ibelings for permission to resubmit an essay, in whole or in part, that she had previously submitted for academic credit. She admits that Prof. Ibelings did not give her permission to resubmit work she had previously submitted for academic credit.

B. Meeting with the Dean's Designate

14. On July 9, 2020, the student met with the Dean's Designate to discuss the matter. During this meeting, [the Student] admitted that she resubmitted her prior essay for academic credit without the permission of the instructor.

C. Admissions and acknowledgments

15. [The Student] admits that February 10, 2020, she knowingly submitted, without the knowledge and approval of Prof. Ibelings, as an essay in the Course for which credit had previously been obtained in another course at the University, contrary to section B.I.1(e) of the Code.
16. [The Student] acknowledges that she [signed the] ASF freely and voluntarily, knowing of the potential consequences she faces, and does so with the advice of counsel or has waived the right to counsel.

Decision of the Tribunal on the Charges

8. The University must establish on a balance of probabilities through clear and convincing evidence that an academic offence has been committed by the Student.
9. In this case, the Tribunal finds that the Student committed an academic offence as set out in Charge #1 in that:

On or about February 10, 2020, the Student knowingly submitted, without the knowledge and approval of the instructor to whom it was submitted, an essay in JAV152H1 (20201) – History of Architecture, Landscape, Urbanism, and Art II (the "Course") for which credit has previously been obtained in another course at the University, contrary to section B.I.1(e) of the *Code*.

10. On the basis of both the Student's admission and the uncontradicted evidence as to the extent of the duplication between the two essays which is apparent from the record that was put before us, the Tribunal is satisfied that there is clear and convincing evidence that the Student knowingly submitted an essay entitled "The Palace Square of Saint Petersburg and the architectures nearby," for the Winter 2020 course entitled History of Architecture, Landscape, Urbanism and Art II (the Course) for which credit had previously been obtained in the Winter 2018 session of that same course.

The Evidence Related to Penalty

11. The relevant portions of the ASF and JSP are reprinted below (without the source documents which are contained in the Joint Book of Documents).
 3. The Provost and [the Student] submit that, in all the circumstances of the case, the University Tribunal should impose the following sanctions on the Student:
 - (a) a final grade of zero in JAV152H1 (20201);
 - (b) a suspension from the University for three years commencing from the date the Tribunal makes its order;
 - (c) a notation of the sanction on her academic record and transcript until she graduates from the University of Toronto.
 4. The parties agreed that this case should also be reported to the Provost for the publication of a notice of the decision of the Tribunal and the sanction imposed, with the name of the student withheld.

D. Prior Offences

5. On January 29, 2018, [the Student] admitted that she committed plagiarism on a term assignment in JAV151H1 (20179). The Assistant Dean imposed a sanction on the Student of a mark of 49% for the assignment in question and annotated her transcript with "Sanctioned for academic misconduct" from January 29, 2018, until January 29, 2019.
 6. On January 28, 2019, the Student admitted that she had committed plagiarism in a term assignment in JAV152H1 (20181) in the Winter 2018 term. The Assistant Dean imposed a sanction on [the Student] of a mark of 49% for the assignment in question and annotated her transcript with "Sanctioned for academic misconduct" from January 28, 2019, until January 28, 2020.
12. The Student has acknowledged that the Tribunal has the ability to depart from a joint sentencing submission if it has grounds to do so, including to impose a more severe penalty than the one the JSP recommends.

Decision of the Tribunal on the Penalty

13. A joint submission with respect to penalty should only be rejected where to give effect to the submission would be contrary to the public interest or bring the administration of justice into disrepute.
14. On the basis of its consideration of the evidence and the benefit of guidance from similar cases, no such concerns arise here. In fact, offences that are factually similar to this one (including with respect to the history of prior offences and acceptance of guilt) have resulted in similar penalties to the one that is jointly proposed here. The Tribunal accepts the joint submission of the University and the Student. It is satisfied that the proposed penalty achieves both general and specific deterrence, but also balances the objective of effective deterrence with the opportunity for rehabilitation and return to the University.
15. Accordingly, the Tribunal made orders as follows:

- (a) a final grade of zero in JAV152H1 (20201);
 - (b) a suspension from the University for three years commencing on September 10, 2021; and
 - (c) a notation of the sanction on her academic record and transcript until she graduates from the University of Toronto.
16. 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 7th day of December, 2021

Original signed by: _____
Ms. Cheryl Woodin, Chair
On behalf of the Panel