

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on July 28, 2016 and 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

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

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REASONS FOR DECISION

Hearing Date: June 23, 2017

Members of the Panel:

Mr. Shaun Laubman, Lawyer, Chair
Professor Kathi Wilson, Faculty Panel Member
Ms. Amanda Nash, Student Panel Member

Appearances:

Ms. Tina Lie, Assistant Discipline Counsel, Paliare Roland Barristers
Mr. Robert Sniderman, Law Student, Downtown Legal Services, for the Student

In Attendance:

Ms. Krista Osbourne, Administrative Clerk and Hearing Secretary, Office of the Appeals, Discipline and Faculty Grievances, University of Toronto
Mr. Sean Lourim, Technology Assistant, Office of the Governing Council
Professor Eleanor Irwin, Dean's Designate, University of Toronto Scarborough
Professor Wanda Restivo, Dean's Designate, University of Toronto Scarborough

Not in Attendance:

Ms. L■L■, the Student

1. The Trial Division of the University Tribunal heard this matter on June 23, 2017.
2. The Student was charged in connection with two separate alleged offences. The first set of charges, dated July 28, 2016, provided as follows:
 - a. On or about April 19, 2016, you knowingly represented as your own an idea or expression of an idea or work of another in a paper that you submitted in SOCD44 (Advanced Seminar on Issues in Contemporary Sociology), contrary to section B.I.1(d) of the Code.
 - b. In the alternative, on or about April 19, 2016, you knowingly obtained unauthorized assistance in connection with a paper that you submitted in SOCD44, contrary to section B.I.1(b) of the Code.
 - c. In the further alternative, on or about April 19, 2016, 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 paper that you submitted in SOCD44, contrary to section B.I.3(b) of the Code. (the "July 2016 Charges")
3. The second set of charges, dated January 17, 2017, were as follows:
 - a. On or about August 8, 2016, you knowingly represented as your own an idea or expression of an idea or work of another in a paper that you submitted in MUS211H1 (The World of Popular Music), contrary to section B.I.1(d) of the Code.
 - b. In the alternative, on or about August 8, 2016, you knowingly obtained unauthorized assistance in connection with a paper that you submitted in MUS211H1, contrary to section B.I.1(b) of the Code.

- c. In the further alternative, on or about August 8, 2016, by submitting the Paper in MUS211H1, 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. (the “January 2017 Charges”)
4. The Parties entered into an Agreed Statement of Facts. That Agreed Statement of Facts was filed with the Tribunal and is attached to these Reasons as Schedule “A”.
 5. The Student pleaded guilty to a violation of section B.I.1(d) of the Code with respect to the July 2016 Charges and a violation of B.I.1(b) of the Code with respect to the January 2017 Charges. In exchange, the University agreed to withdraw the remaining charges.
 6. After reviewing the Agreed Statement of Facts, the evidence filed and hearing from the representatives for the University and the Student, the Tribunal accepted the Student’s guilty pleas and found her guilty of the two charges.

Penalty Phase

7. The Parties also entered into an Agreed Statement of Facts on Penalty and a Joint Submission on Penalty. The Agreed Statement of Facts on Penalty was filed with the Tribunal and is attached to these Reasons as Schedule “B”.
8. The Student had one prior academic offence. The prior offence was for plagiarism in a course the Student took during the Winter 2016 term.
9. The Parties’ Joint Submission on Penalty had the following terms:
 - a. a final grade of zero in the course SOCD44H3 in Winter 2016;
 - b. a final grade of zero in the course MUS211H1 in Summer 2016;

- c. a suspension from the University of Toronto from the day the Tribunal makes its order to April 30, 2020;
 - d. a notation of the sanction on her academic record and transcript from the day the Tribunal makes its order until graduation
 - e. 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.
10. The Student had accumulated 19.5 credits as of the hearing date. She is just shy of the 20 credits required to graduate. The Student is originally from China. She returned to China following the expiry of her study permit on November 30, 2016.
11. The Tribunal accepted the Joint Submission on Penalty with respect to the final grades of zero, the suspension until April 30, 2020 and the publication of the notice of the decision. The penalties are all within the reasonable range of sanctions based upon the precedents submitted by Ms. Lie.
12. The Tribunal also agreed that a notation of the sanction on the Student's academic record was reasonable. However, Tribunal members raised concerns regarding the duration of the notation and the fact that its removal was linked to the Student graduating from the University.
13. Counsel advised that the Parties' expectation was that the Student would eventually return to complete her studies and graduate from the University.
14. Circumstances can change however. The Student is a foreign student and may decide at some point in the next three years not to return to the University once her suspension is over. In that case, the Tribunal felt it would be unfair to the Student for the notation to remain on her academic record indefinitely. From counsel's submissions, it was clear that the Parties did not intend that the notation would remain on the Student's record indefinitely.

15. Accordingly, while this was a joint submission on penalty, the Tribunal invited the Parties to consider adding a time limitation for the notation.

16. To the Parties' and their counsel's credit, they were able to quickly agree to add a limitation to the notation such that it would be removed from the Student's academic record upon the earlier of her graduation or April 30, 2021. The added term addressed the Tribunal's concern.

17. The Tribunal therefore accepted the Joint Submission on Penalty, as amended, and imposed the following sanctions on the Student:

- a. a final grade of zero in the course SOCD44H3 in Winter 2016;
- b. a final grade of zero in the course MUS211H1 in Summer 2016;
- c. a suspension from the University of Toronto from the day the Tribunal makes its order to April 30, 2020;
- d. a notation of the sanction on her academic record and transcript from the day the Tribunal makes its order to April 30, 2021, or until graduation, whichever is earlier; and
- e. 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.

Dated at Toronto, this 12th day of September, 2017



Shaun Laubman, Co-Chair

SCHEDULE A

Ex# 1

THE UNIVERSITY TRIBUNAL THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on July 28, 2016,

AND 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

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

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AGREED STATEMENT OF FACTS

1. This matter arises out of charges of academic misconduct filed on July 28, 2016 (the "July 2016 Charges") and charges of academic misconduct filed on January 17, 2017 (the "January 2017 Charges") by the Provost of the University of Toronto (the "Provost") under the *Code of Behaviour on Academic Matters* ("Code"). The Provost and Lin Lin have prepared this Agreed Statement of Facts ("ASF") and a Joint Book of Documents ("JBD"). The Provost and Ms. L■ 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. Ms. L█ admits that she received a copy of the July 2016 Charges and the January 2017 Charges, which are included in the JBD at **Tabs 1 and 2**, respectively (collectively, the "Charges").
3. Ms. █ admits that she received a copy of the Notice of Hearing in this matter and that she has received reasonable notice of this hearing. A copy of the Notice of Hearing is included in the JBD at **Tab 3**.
4. Ms. L█ waives the reading of the Charges filed against her. She pleads guilty to charge #1 of the July 2016 Charges and charge #2 of the January 2017 Charges.
5. The Provost agrees that if the Tribunal convicts Ms. L█ on charge #1 of the July 2016 Charges, the Provost will withdraw charges #2 and #3 of the July 2016 Charges.
6. The Provost further agrees that if the Tribunal convicts Ms. L█ on charge #2 of the January 2017 Charges, the Provost will withdraw charges #1 and #3 of the January 2017 Charges.
7. At all material times, Ms. L█ was a registered student at the University of Toronto Scarborough. A copy of Ms. L█'s current academic record is included in the JBD at **Tab 4**.

B. SOCD44

8. In Winter 2016, Ms. L█ was enrolled in SOCD44H3: Advanced Seminar on Issues in Contemporary Sociology ("SOCD44"), which was taught by Professor Kathy Liddle.
9. A copy of the course syllabus for SOCD44 is included in the JBD at **Tab 5**. It provided as follows with respect to academic integrity:

Academic Integrity

It is an offence for students to:

- *Use someone else's ideas or words without proper citation.
- *Use false, misleading or concocted citations
- *Obtain unauthorized assistance on any assignment
- *Provide unauthorized assistance to another student. This includes showing another student completed work.
- *Submit their own work for credit in more than one course without instructor's permission
- *Falsify or alter any documentation required by the University, including, but not limited to, doctor's notes.
- *Use or possess an unauthorized aid in any test or exam.

All suspected cases of academic dishonesty will be investigated following procedures outlined in the Code of Behaviour on Academic Matters.

10. Professor Liddle also discussed academic honesty in the first class of the semester. A copy of the slides that Professor Liddle presented to the class is included in the JBD at **Tab 6**.

11. Students in SOCD44 were required to submit a final paper worth 35% of their final grade.

12. On or about April 11, 2016, Ms. L█ submitted her final paper, entitled "The Influence of Children's Literature on Gender Roles" (the "SOCD44 Paper"). A copy of the SOCD44 Paper is included in the JBD at **Tab 7**.

13. Upon review, Professor Liddle determined that the SOCD44 Paper contained verbatim or nearly verbatim passages from sources that were not appropriately cited. These sources include:

- (a) Ryle, R. (2015). *Questioning Gender: A Sociological Exploration*. Los Angeles: SAGE Publications, Inc., online: http://www.sagepub.com/sites/default/files/upm-binaries/39367_4.pdf, an excerpt of which is included in the JBD at **Tab 7A**;
- (b) Clauss-Ehlers, Caroline S. "Parental Influence on Gender Roles." *Encyclopedia of Cross-Cultural School Psychology*. New York: Springer, 2010, an excerpt of which is included in the JBD at **Tab 7B**; and

- (c) "Children's Literature Promotes Understanding" by Melissa Thibault, online: <http://www.learnnc.org/lp/pages/635>, an excerpt of which is included in the JBD at **Tab 7C**.

(collectively, the "SOCD44 Sources").

14. The copy of the SOCD44 Paper at Tab 7 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 SOCD44 Sources. The highlighting in the SOCD44 Paper at Tab 7 of the JBD corresponds to the highlighting contained in the SOCD44 Sources at Tabs 7A, 7B and 7C of the JBD.

15. On May 30, 2016, Ms. L█ met with Professor Wayne Dowler, Dean's Designate for Academic Offences, to discuss the allegation of academic misconduct in SOCD44. During that meeting, Ms. L█ did not admit to the offence of plagiarism in respect of the SOCD44 Paper.

C. **MUS211H1**

16. In Summer 2016, Ms. L█ enrolled in MUS211H1: The World of Popular Music ("MUS211"), which was taught by Dr. Jeff Packman.

17. A copy of the course syllabus for MUS211 is included in the JBD at **Tab 8**. It provided as follows with respect to academic integrity (on page 3):

Plagiarism and Other Academic Offences

Academic integrity is one of the cornerstones of the University of Toronto. It is critically important both to maintain our community, which honors the values of honesty, trust, respect, fairness, and responsibility, and to protect you, the students within this community, and the value of the degree towards which you are all working so diligently.

According to Section B of the University of Toronto's Code of Behaviour on Academic Matters, which all students are expected to know and respect, it is an offence for students to:

Use someone else's ideas or words in their own work without acknowledging that those ideas/words are not their own with a citation and quotation marks (i.e., to commit plagiarism)

Include false, misleading, or concocted citations in their work.

Obtain unauthorized assistance on any assignment.

Provide unauthorized assistance to another student.

Submit any work for credit in more than one course without the permission of the instructor.

Falsify or alter any documentation required by the University. This includes, but is not limited to, doctor's notes.

Use or possess an unauthorized aid during any test or exam.

Record or distribute any part of a lecture without prior approval from the instructor.

There are other offences covered under the Code, but these are by far the most common. Please respect these rules and the values that they protect. For additional information, see: <http://www.artsci.utoronto.ca/osai>.

Any instance of academic dishonesty, including submitting one assignment for two courses, will be dealt with according to University policy. Students are advised to consult the relevant sections of the current Faculty of Arts & Science Calendar.

18. Students in MUS211 were required to submit a term project worth 35% of their final grade.

19. On or about August 8, 2016, Ms. L█ submitted her term project entitled "ANTI-CAB (Berlin): And the Relationship Between Performance Art and Popular Music" (the "MUS211 Term Project"). A copy of the MUS211 Term Project is included in the JBD at Tab 9.

20. The MUS211 Term Project caught the attention of the teaching assistant for MUS211 because it was on an unusual topic and represented a marked change in writing from the previous written works that Ms. L█ had submitted (including in its use of complex theoretical language). Dr. Packman reviewed the MUS211 Term Project and agreed with the teaching assistant's assessment of the MUS211 Term Project. He formed the view that Ms. L█ may have obtained unauthorized assistance in connection with the MUS211 Term Project.

21. On September 28, 2016, Ms. L█ met with Professor Eleanor Irwin, Dean's Designate for Academic Offences, to discuss the allegation of academic misconduct in MUS211. During that meeting, Ms. L█ told Professor Irwin that she had someone read through her essay to correct the grammar, but not to add or rewrite any of the material. Professor Irwin asked Ms. L█ to explain some of the terms used in the MUS211 Term Project, but Ms. L█ did not appear secure in her explanations. Ms. L█ did not admit that she had received unauthorized assistance in connection with the MUS211 Term

Project. A copy of a letter from Professor Irwin to Ms. Lin, dated November 1, 2016, regarding their meeting is included in the JBD at **Tab 10**.

D. Admissions and Acknowledgements

22. With respect to the SOCD44 Paper, Ms. L█ admits that she knowingly:
- (a) included verbatim or nearly verbatim passages from the SOCD44 Sources in the SOCD44 Paper;
 - (b) failed to attribute those verbatim or nearly verbatim passages appropriately, including through the use of citations, quotation marks or other appropriate means; and
 - (c) committed plagiarism, contrary to section B.I.1(d) of the *Code*.
23. With respect to the MUS211 Term Project, Ms. L█ admits that she knowingly received unauthorized assistance on the MUS211 Term Project, including in the content, style and language used in the assignment, contrary to section B.I.1(b) of the *Code*.
24. Ms. L█ acknowledges that:
- (a) the Provost has advised Ms. L█ of her right to obtain legal counsel and that she has done so; and
 - (b) she is signing this ASF freely and voluntarily, knowing of the potential consequences she faces.

Signed on May , 2017.

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A copy of a letter from Professor Irwin to Ms. L█, dated November 1, 2016, regarding their meeting is included in the JBD at Tab 10.

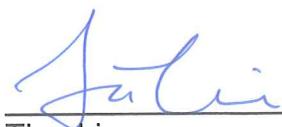
D. *Admissions and Acknowledgements*

22. With respect to the SOCD44 Paper, Ms. L█ admits that she knowingly:
- (a) included verbatim or nearly verbatim passages from the SOCD44 Sources in the SOCD44 Paper;
 - (b) failed to attribute those verbatim or nearly verbatim passages appropriately, including through the use of citations, quotation marks or other appropriate means; and
 - (c) committed plagiarism, contrary to section B.I.1(d) of the Code.
23. With respect to the MUS211 Term Project, Ms. L█ admits that she knowingly received unauthorized assistance on the MUS211 Term Project, including in the content, style and language used in the assignment, contrary to section B.I.1(b) of the Code.
24. Ms. L█ acknowledges that:
- (a) the Provost has advised Ms. L█ of her right to obtain legal counsel and that she has done so; and
 - (b) she is signing this ASF freely and voluntarily, knowing of the potential consequences she faces.

June 15
Signed on May , 2017.

L█

Signed on May June 21, 2017.



Tina Lie
Assistant Discipline Counsel
University of Toronto

NO. 1

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO

AND

Ms. L [REDACTED] L [REDACTED]

This Exhibit is produced by
the University
this 23 day of June , 2017.

K. Osbourne

SCHEDULE B

Ex#3

THE UNIVERSITY TRIBUNAL THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on July 28, 2016,

AND 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 am. S.O. 1978, c. 88

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

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AGREED STATEMENT OF FACTS ON PENALTY

1. This matter arises out of charges of academic misconduct filed on July 28, 2016 and 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 L ■ L ■ have prepared this Agreed Statement of Facts on Penalty ("ASF on Penalty"). The Provost and Ms. L ■ 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; 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. *Prior Academic Offence*

2. Ms. L ■ has been sanctioned for one prior academic offence.

3. On March 17, 2016, Ms. L█ met with Professor Ann Mullen, Associate Chair of the Department of Sociology, to discuss an allegation of academic misconduct committed in an annotated bibliography assignment in SOCD44 in Winter 2016 (the "Bibliography Assignment"). The Bibliography Assignment was worth 10% of her final grade in SOCD44. At the meeting, Ms. L█ admitted that she had committed plagiarism in the Bibliography Assignment, contrary to the Code.

4. That day, on March 17, 2016, Professor Mullen sent Ms. L█ a letter, in which Professor Mullen imposed a sanction of a 10% grade reduction in Ms. L█'s mark on the Bibliography Assignment. Professor Mullen also wrote in her letter:

I trust it is clear that the University regards with great seriousness all acts of academic dishonesty and that you fully understand why they cannot be tolerated. I hope that you have learned from this unfortunate experience and that nothing similar will happen again.

5. A copy of Professor Mullen's letter to Ms. L█ is attached to this ASF on Penalty at Tab 1.

B. Ms. L█'s Status

6. Ms. L█ is originally from China and was attending the University on a study permit. Her study permit expired on November 30, 2016. A copy of her most recent study permit is attached to this ASF on Penalty at Tab 2.

7. Ms. L█ has accumulated 19.5 credits to date. She has not enrolled in courses since Summer 2016.

C. Acknowledgments

8. Ms. L█ acknowledges that:

- (a) the Provost advised her of her right to obtain legal counsel, and she has done so; and
- (b) she is signing this ASF on Penalty freely and voluntarily, knowing of the potential consequences she faces.

Signed on June 22, 2017

Tina Lie

Tina Lie
Assistant Discipline Counsel
University of Toronto

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Signed on June _____, 2017

[REDACTED]

Signed on June 22, 2017



Tina Lie
Assistant Discipline Counsel
University of Toronto

NO. 3

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO

AND

Ms. L [REDACTED] L [REDACTED]

This Exhibit is produced by
the University
this 23 day of June , 2017.

K. Osborne