

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on March 23, 2016;

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.

BETWEEN:

THE UNIVERSITY OF TORONTO

- AND -

M_____ B_____ (_____)

REASONS FOR DECISION

Hearing Date: August 23, 2016

Members of the Panel:

Mr. Andrew Pinto, Barrister and Solicitor, Chair

Professor Ato Quayson, Professor of English and Director of the Centre for Diaspora and Transnational Studies, University of Toronto, Faculty Panel Member

Mr. Sean McGowan, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers

Ms. Emily Home, Student-at-Law, Paliare Roland Barristers

Mr. Daniel Walker, Counsel for the Student, Bobila Walker Law LLP

In Attendance:

Ms. M_____ B_____, "the Student"

A [REDACTED] B [REDACTED], the Student's son

Ms. Lucy Gaspini, Manager, Academic Integrity & Affairs, Office of the Dean,
University of Toronto, Mississauga

Mr. Christopher Lang, Appeals, Discipline and Faculty Grievances,

Mr. Sean Lourim, Technology Assistant, Office of the Governing Council

Preliminary

- [1] The Trial Division of the University Tribunal was convened on August 23, 2016 to consider charges under the *University of Toronto Code of Behaviour on Academic Matters, 1995* (the "Code") laid against the Student by letter dated March 23, 2016 from the Provost of the University of Toronto.
- [2] The Student and the University entered into an Agreed Statement of Facts ("ASF") and an Agreed Statement of Facts and Joint Submission on Penalty ("ASF-JSP"), copies of which are appended to these Reasons (with attachments removed), as Appendix "A" and "B" respectively.

Hearing on the Facts

- [3] The charges against the Student were as follows:
 1. On or about April 2, 2015, you knowingly represented as your own idea or expression of an idea, and/or the work of another in a group presentation, which you made for academic credit in SOC349H5S 2015(1), contrary to Section B.I.1(d) of the Code.
 2. In the alternative, on or about April 2, 2015, 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 group presentation, which you made for academic credit in the Course, contrary to section B.I.3(b) of the Code.
- [4] Discipline Counsel provided an overview of the ASF. The Course required a group presentation, which was worth 15% of the grade. In the presentation, the Student admitted to knowingly including verbatim and nearly verbatim excerpts from sources and failing to attribute those excerpts appropriately. The Student represented the ideas and work found in the sources as her own and committed plagiarism in doing so.
- [5] The Student, via the ASF, entered a guilty plea to charge 1.

Decision of the Tribunal on Charges

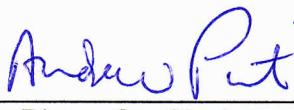
- [6] Following deliberation, based on the facts set out in the ASF and a review of the documents contained in a Joint Book of Documents ("JBD"), the Tribunal accepted the Student's guilty plea on charge 1. The University withdrew the second charge which was brought in the alternative. Consequently, the Student stood convicted on charge 1.

Penalty

- [7] The matter then continued with a hearing into the appropriate sanction. As noted above, the University and the Student filed an ASF-JSP attached to these Reasons as Appendix B.
- [8] Discipline counsel presented a number of Tribunal Decisions and submitted that the penalty in the ASF-JSP was at the lower end in light of the Student's cooperation in the discipline process. The assignment in question was worth 15% of the course grade. The Student had also conceded to her misconduct with respect to a group assignment, thereby saving the University from having to prove the Student's involvement in and contribution to the offence. The ASF-JSP proposed, *inter alia*, a two-year suspension from the University.
- [9] The Student had two prior plagiarism offences which were dealt with via the Dean's imposition of a penalty. In August 2011, the Student admitted to plagiarism in an assignment submitted for credit. She received a mark of zero in the assignment, a further reduction of 10 marks from the final grade and a 6-month annotation on her academic record and transcript. In July 2013, the Student again committed plagiarism in an assignment. She received a final grade of zero in the course, a one-year suspension and an 18-month annotation on her academic record and transcript.
- [10] Counsel for the Student emphasized the Student's remorse.
- [11] In the *University of Toronto and Z.B.* (Case No. 487, January 22, 2008), a case that proceeded by way of a joint submission on penalty, the student received a suspension of two years from the University in circumstances where she had one prior offence and had been convicted of two concurrent plagiarism charges. That panel was persuaded that there was no reason to depart from the joint submission on penalty.
- [12] In the *University of Toronto and Y.L.* (Case No. 04-05-02, April 11, 2005), another case that proceeded by way of joint submission on penalty, the student received a two-year suspension in circumstances where he had one prior plagiarism offence and had been convicted of using an unauthorized aid in a final examination.

- [13] Here, based on the parties' submissions and the case law as presented, the panel concluded that the penalty proposed in the ASF-JSP was not unreasonable despite the Student having committed two prior plagiarism offences and now having been found guilty of a third offence. In all the circumstances, the panel could not find a principled reason to reject the ASF-JSP and was therefore bound to agree with it.
- [14] In light of the facts of this case, the admission of guilt by the Student, and the joint submission regarding penalty, the Tribunal accepts the ASF-JSP and imposes the following sanction:
1. THAT the Student shall receive a final grade of zero in the course SOC349H5S 2015(1);
 2. THAT the Student be suspended from the University from August 23, 2016, to August 22, 2018;
 3. THAT the sanction shall be recorded on the Student's academic record and transcript from the date of this order until August 22, 2019; and
 4. THAT this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanction imposed, with the name of the student withheld.

Dated at Toronto, this 30th day of November, 2016.



Andrew Pinto, Co-Chair

APPENDIX A

THE UNIVERSITY TRIBUNAL THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on March 23, 2016
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 am.

B E T W E E N:

The University of Toronto

- and -

M [REDACTED] B [REDACTED] [REDACTED]

Agreed Statement of Facts

1. This hearing arises out of charges of academic misconduct filed by the Provost of the University of Toronto (the "Provost") under the Code of Behaviour on Academic Matters ("Code"). For the purpose of this hearing, the Provost and M [REDACTED] B [REDACTED] ("Ms. B [REDACTED]") have prepared this Agreed Statement of Facts ("ASF") and joint book of documents ("JBD"). The Provost and Ms. B [REDACTED] agree that:

- (a) each document contained in the JBD 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.

2. Ms. B [REDACTED] admits that she received a copy of the charges filed by the Provost. The charges are included in the JBD at Tab 1.
3. Ms. B [REDACTED] admits that she has received reasonable notice of the hearing. The notice of hearing in this matter is included in the JBD at Tab 2.
4. Ms. B [REDACTED] waives the reading of the charges filed against her and pleads guilty to all charges. The Provost agrees that if the Tribunal convicts on charge #1, the Provost will withdraw charge #2.
5. Ms. B [REDACTED]'s academic record from July 2016 is included in the JBD at Tab 3.

A. SOC 349

6. In Winter 2015, Ms. B [REDACTED] enrolled in SOC349H5S 2015(1) – Sociology of Food, which was taught by Prof. Josee Johnstone (the “Course”). A copy of the syllabus for the Course is included in the JBD at Tab 4.
7. The academic requirements for the Course included a group presentation, which was to be presented on March 26 or April 2, 2015, and which was worth 15% of the final grade.
8. The syllabus contained an express warning against plagiarism. It told students they were expected to have read and understood the on-line document “How not to Plagiarize”. The syllabus then referenced the Code of Behaviour on Academic Matters, advised students that the all work would be submitted using www.turnitin.com, and provided contact information for the Academic Skill Centre and its resources for improving students' writing and learning skills.
9. On April 2, 2015, Ms. B [REDACTED] delivered her presentation along with two classmates. The three students prepared PowerPoint slides to accompany their presentation. Each student indicated what parts of the script they had prepared. Ms. B [REDACTED] prepared slides #1, #11-15.

10. The students uploaded the text of their slides to Turnitin.com An annotated copy of the script for the slides is included in in the JBD at Tab 5. The script contains annotations generated by the www.turnitin.com Originality Report and handwritten annotations and highlighting added by Prof. Johnstone.

11. Three of the sources used in the Essay are included in the JBD at Tab 6:

- (a) "What is a totem?" from at <https://crustal-cure.com/article-totems.html>
- (b) "Pig: symbol of wealth, prosperity and luck" found at <https://crustal-cure.com/pig.html>; and
- (c) "Pasture Reared vs Factory Farmed Pork" found at <http://www.nutritionist.co.za/pasture-vs-factory-pork>.

12. In the script, Ms. B [REDACTED] took verbatim or nearly verbatim text from the sources and used it without quotation marks or any other appropriate citation.

13. In the script, Ms. B [REDACTED] admits that she knowingly:

- (a) included verbatim and nearly verbatim excerpts from the sources;
- (b) failed to attribute those verbatim and nearly verbatim excerpts appropriately using quotation marks;
- (c) represented the ideas and work found in the sources as her own;
- (d) committed plagiarism contrary to section B.I.1(d) of the Code; and

- (e) engaged in a form or cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.I.1(b) of the Code.

B. Acknowledgments

14. Ms. B [REDACTED] acknowledges that:

- (a) the Provost advised her of her right to obtain legal counsel and that she either obtained that advice or waived her right to do so; and
- (b) she is signing this ASF freely and voluntarily, knowing of the potential consequences she faces.

Signed on July 25, 2016

[REDACTED]
M [REDACTED] E [REDACTED]

August 2
Signed on July , 2016

Robert A. Centa

Robert A. Centa
Assistant Discipline Counsel
University of Toronto

APPENDIX B

THE UNIVERSITY TRIBUNAL

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B E T W E E N:

The University of Toronto

- and -

[REDACTED] [REDACTED] [REDACTED]

Agreed Statement of Facts and Joint Submission on Penalty

1. This hearing arises out of charges of academic misconduct filed by the Provost of the University of Toronto (the "Provost") under the Code of Behaviour on Academic Matters ("Code"). For the purpose of the sanction phase of the hearing, the Provost and [REDACTED] ("Ms. [REDACTED]") have prepared this Agreed Statement of Facts and Joint Submission on Penalty ("JSP"). The Provost and Ms. [REDACTED] agree that:

- (a) each document attached to the JSP 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. *Joint Submission on Penalty*

2. The Provost and Ms. E [REDACTED] submit that, in all the circumstances of the case, the University Tribunal should impose the following sanctions on Ms. E [REDACTED]:

- (a) a final grade of zero in the course SOC349H5S 2015(1);
- (b) a two-year suspension from the University commencing the day the Tribunal makes its order; and
- (c) a three-year notation of the sanction on her academic record and transcript commencing the day the Tribunal makes its order.

3. The parties agree 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 newspapers, with the name of the student withheld.

4. On August 29, 2011, Ms. E [REDACTED] admitted to committing plagiarism in an assignment submitted for credit in the course WGS 250 2011(1). In a letter dated September 7, 2011, which is attached as Exhibit A to this JSP, the Dean imposed the following penalty:

- (a) A mark of zero on the assignment;
- (b) A further reduction of 10 marks from the final grade; and
- (c) A 6-month annotation on her academic record and transcript.

5. On July 17, 2013, Ms. E [REDACTED] admitted to committing plagiarism in an assignment submitted for credit in the course FRE345H5F, 2012(9). In a latter dated July 31, 2013, which is attached as Exhibit B to this JSP, the Dean imposed the following penalty:

- (a) a final grade of zero in the course;

- (b) a one-year suspension; and
- (c) an 18-month annotation on her academic record and transcript.

B. Acknowledgments

6. Ms. E [REDACTED] acknowledges that:

- (a) the Provost advised her of her right to obtain legal counsel and that she either obtained that advice or waived her right to do so; and
- (b) she is signing this JSP freely and voluntarily, knowing of the potential consequences she faces and knowing that the Tribunal is not bound by this JSP and has the discretion to impose a different penalty, including one that is more severe than the JSP recommends.

Signed on July 25, 2016



M [REDACTED] E [REDACTED]

August 2
Signed on July 25, 2016



Robert A. Centa
Assistant Discipline Counsel
University of Toronto