

1989 CarswellOnt 5203
Ontario Arbitration

Carleton University and Carleton University Faculty Assn., Re

1989 CarswellOnt 5203, 14 C.L.A.S. 17

**IN THE MATTER OF A REVIEW BETWEEN: CARLETON
UNIVERSITY - and - CARLETON UNIVERSITY FACULTY
ASSOCIATION; - Grievance of Professor J. Z. Sasiadek**

Teplitsky

Judgment: March 8, 1989

Docket: None given.

Counsel: for the Association: Bruce Stewart, Q.C.
for the Grievor: James McDonald

MARTIN TEPLITSKY:

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[1] By letter dated September 27th, 1988. President Beckel advised Professor J. Z. Sasiadek that he was recommending his dismissal. In due course the matter came before me as Review Chairman pursuant to the provisions of Appendix "A" to the Collective Agreement.

[2] The parties furnished to me extensive written documentation and made oral presentations through counsel. President Beckel described the grounds for dismissal as follows: "... you copied substantial portions of a project report written by a student and submitted the copied material for publication under your own name". If this allegation of plagiarism of a student's work were true, in this case, a dismissal would be warranted.

[3] The evidence on which President Beckel relied included a comparison of the student's project report with the professor's published paper. There are extensive unattributed verbatim passages in both.

[4] When this allegation was first drawn to Professor Sasiadek's attention, he responded in writing dated May 6, 1988 that "Full manuscripts of papers for the IASTED Conference (in whose proceedings the paper was published) have to be submitted at least 4 months before the conference date. It would not have been possible for me to quote the student's project report which was not available by the meeting's deadline for papers submission".

[5] This reply, dated one day after the allegation, did nothing to allay suspicion. Although Professor Sasiadek believed it to be correct, it was both inaccurate and failed to set forth Professor Sasiadek's real position. That he replied without having a copy of both papers and without careful consideration, may have contributed to the unfortunate response. But, as I have said, it exacerbated the problem.

[6] Made available to me was information which President Beckel did not have when he reached his decision. I am satisfied that Professor Sasiadek was the true author of his published paper. There are prior drafts in substantially the same form which confirm that the student copied from Professor Sasiadek's paper in his report although he also went further in elaborating on and summarizing computer results of a programme of the professors. In addition, diagrams which reflected these results appeared in the student's report. Nothing in my report is intended as an criticism of the student.

[7] In my opinion, Professor Sasiadek exercised poor judgment in two respects. First, he incorporated two diagrams prepared by the student in his paper without attribution. Although the work of the student, in a sense was derivative, nevertheless, it was the student's work product the professor used and he should have given credit for it. In fairness, this failure does not represent a serious departure from appropriate academic norms and may have been no more than an oversight.

[8] Second, the professor's practice of allowing a student to copy large parts of his own work without attribution and to submit it to him as the student's own work, reflects a more serious departure from proper professorial standards. It is true that the professor knows that the work is his. But, in an academic community wholesale copying of a professor's work cannot be tolerated as appropriate academic work by a student. And, the public, if the report is subsequently used by the student, has no way of knowing that the real author in large part is the professor. This practice must not continue.

[9] In the result, cause for dismissal does not exist. It is unfortunate that this matter progressed as far as it has. Nevertheless, these facts provide clear evidence of the serious consequences which can flow from practices of this type. These events should not impair Professor Sasiadek's future career as an academic, assuming, of course, that the matters to which I have adverted will not be repeated.

[10] In my discretion I have decided that my report remain confidential as provided in paragraph C13 Of Appendix "A" with one exception. The Chairman of Professor Sasiadek's department may disclose the findings to its faculty members who shall be advised of the confidentiality required. With the consent of both parties, I remain seized to issue a press release after hearing submissions as to its content, should damaging publicity nonetheless follow my report.