THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on November 27, 2014,

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.

B E T W E E N:

THE UNIVERSITY OF TORONTO

- AND-

Y[redacted] (A[redacted]) T[redacted]

REASONS FOR DECISION

Hearing Date: Thursday, April 30, 2015

Panel Members:
Ms. Dena Varah, Lawyer, Chair
Professor Markus Bussmann, Faculty of Applied Science and Engineering, Faculty Panel Member
Mr. Shan Arora, Student Panel Member

Appearances:
Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Barristers
Ms. Julia Wilkes, Counsel for the Student, Wardle, Daley, Bernstein and Bieber LLP

In Attendance
Ms. Y[redacted] (A[redacted]) T[redacted], the Student, via Skype
Ms. Lucy Gaspini, Manager, Academic Integrity and Affairs, University of Toronto Mississauga
Ms. Natalie Ramtahal, Coordinator, Appeals, Discipline and Faculty Grievances

REASONS FOR DECISION

1. The Trial Division of the University of Toronto Tribunal was convened on April 30, 2015 to consider charges advanced by the University of Toronto (the "University") against Y[redacted] (A[redacted]) T[redacted] (the "Student") under the Code of Behaviour on Academic Matters (the "*Code*").

PART 1 - THE CHARGES

2. The Student is charged with three offences under the *Code*:

(1) On or about December 2, 2013, 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 GGR365H5S: Trade and Globalization (the "Course"), contrary to section B.I.1(d) of the *Code*.

(2) On or about December 2, 2013, you knowingly obtained unauthorized assistance in connection with an essay that you submitted for academic credit in the Course, contrary to section B.I.1(b) of the *Code*.

(3) In the alternative, on or about December 2, 2013, 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 you submitted for academic credit in the Course, contrary to section B.I.3(b) of the *Code*.

PART 2 - AGREED STATEMENT OF FACTS AND PLEA

3. At the outset of the hearing, Discipline Counsel advised that the University and the Student had entered into an Agreed Statement of Facts. The Agreed Statement of Facts is attached hereto as **Appendix "A"**.

4. Pursuant to the Agreed Statement of Facts, the Student pled guilty to all three charges listed above. Discipline Counsel advised that if the Tribunal accepted the plea on either of the first two charges then the University withdrew the third charge.

5. The Student admitted that she purchased an essay for use in the Course (the "Purchased Essay"), and that she knowingly obtained unauthorized assistance and represented as her own work, the work of another person in submitting an essay in the Course (the "Review Essay"). The particular admissions are as follows:

(a) She copied four full paragraphs directly from the Purchased Essay;

(b) She copied the ideas and expressions in the book and back page of the Goldin/Reinert Book;

(c) She failed to attribute these verbatim and nearly verbatim excerpts appropriately; and

(d) She did so to obtain academic credit in GGR365H5S, and with the intention that the University rely on it as containing her own work and ideas in considering the appropriate academic credit to be assigned to her work.

6. The Student was in attendance via Skype as she was currently residing in her home country of China and confirmed that she pled guilty to the charges as

provided for in the Agreed Statement of Facts. She was also represented by counsel in Toronto, who was in attendance in person at the hearing.

7. The details of the charges are set out in the Agreed Statement of Facts and supported by the documents contained in the Joint Book of Documents. The essential elements of the charges and the supporting facts are set out below.

PART 3 - THE FACTS UNDERLYING THE CHARGES

8. In the Fall of 2013, the Student enrolled in the Course, which was taught by Professor Pierre Desrochers. The syllabus for the Course, which the Student received, advised the students that they would be required to submit their papers to Turnitin.com for review of textual similarity. The syllabus also discussed the issue of "academic integrity/honesty or academic offences" with a reference to the *Code*.

9. The academic requirements for the Course provided for the submission of a 15-page essay or book review, which would be worth 40% of the final grade in the Course. Professor Desrochers approved the topic for essay or book review of each student. Once approval was obtained, the Student was then required to submit a formal paper proposal, which the Professor graded and returned to the Student (the "Review Essay Proposal"). The Review Essay Proposal, due on September 30, 2014, was worth 5% of the Course mark.

10. The Student emailed Professor Desrochers on September 18, 2013 to identify a book that she had chosen for her book review. On September 24, 2013, the Student again emailed Professor Desrochers to advise him that she

had changed her book choice to a book called *Globalization for Development: Trade, Finance, Aid, Migration and Policy* by Ian Goldin and Kenneth Reinert (the "Golden/Reinert Book"). Professor Desrochers approved this book choice.

11. As required, the Student submitted her Review Essay Proposal on the Goldin/Reinert Book, which was marked and returned to her.

12. On November 16, 2013, an individual named James Risdon advised the University that he was aware that a student in a geography course at the University of Toronto was attempting to cheat in such course by paying someone to write a paper for him/her in GGR365, Trade and Globalization. Mr. Risdon indicated that he subscribed to a company that takes orders for freelance writers to compose papers for students.

13. Mr. Risdon provided certain details of the basis for his concern. He provided the instructions that had been given with respect to this paper, including the need for a Review Essay on a book called "Ian Glodin" [sic] and Kenneth Reinert (2007) Globalization for Development: Trade, Finance, Aid, Migration and Policy. World Bank Publications. Second Edition."

14. The instructions provided by the student were: "It is a 40% essay, please right [sic] it in good quality, and also quote anything that is not in your own words, because this assignment will hand in on Turnitin.com!!! Please send me the finished essay by Nov 20, 2013." The instructions also indicated that there would be "absolutely NO copy/paste NO plagiarism".

15. In his email, Mr. Risdon also attached the review essay evaluation sheet from the Course, which is identical to the document provided by Professor Desrochers to students in that Course. He also provided the Review Essay Proposal, which was identical to the Review Essay Proposal submitted by the Student, but for the title and Student's name and Student number as well as UTM Department of Geography 2013 GGR365H5S: Trade and Globalization 15-page review essay detailed instructions, which is the same as that provided to the students in the Course.

16. The electronic metadata for the documents revealed that Professor Desrochers is the author of the Review Essay evaluation sheet, the Student is the author of the posted Review Essay Proposal, and the Student is the author of the posted essay instructions.

17. On December 2, 2013, the Student submitted the Review Essay entitled *Globalization for Development: Trade, Finance, Aid, Migration and Policy*.

18. On February 19, 2014, the Student attended a meeting with the Dean's designate via Skype, as she was out of the country. She denied that she had paid to have an original essay created for her for the course. Upon being told that the University had email evidence substantiating the allegations, the Student admitted to having purchased an essay.

PART 4 - DECISION ON CHARGES

19. The Tribunal reviewed the Agreed Statement Facts, the documents in support thereof and considered the submissions of Discipline Counsel and

counsel for the Student. After deliberations, the Tribunal determined the evidence proved Charges 1 and 2, and accepted the guilty plea entered by the Student.

20. As a result, the University withdrew Charge 3. The Tribunal makes no findings or determinations with respect to this Charge.

PART 5 - PENALTY

21. The University and the Student submitted a Joint Submission on Penalty. The Joint Submission on Penalty is attached to these Reasons as **Appendix "B"**. It submits that the University Tribunal impose the following sanctions on the Student:

(a) a final grade of zero in GGR365H5S in the 2013 Fall term;

(b) a suspension from the University to commence April 30, 2015, and to end April 29, 2020; and

(c) a notation of the sanction on her academic record and transcript from the date of the Order until her graduation from the University.

22. The parties further submitted that it is appropriate for the University Tribunal to report this case to the Provost for publication on a notice of the Decision of the Tribunal and the sanction or sanctions imposed in the University newspapers, with the name of the Student withheld.

23. In oral submissions, Discipline Counsel emphasized the seriousness of the offence, including that the Student purchased an original essay, a fact which cannot be readily detected by professors at the University. In this case, the Student's wrongdoing likely would have gone undetected but for the information provided by Mr. Risdon. The offence requires that the University impose strong sanctions to reflect both the seriousness of the offence, its effect on the University environment and the need to provide for general deterrence.

24. The Tribunal is mindful that there is a high threshold for rejecting a Joint Submission on Penalty. To reject such a submission, the Tribunal would have to hold that accepting the Joint Submission on Penalty would bring the administration of justice into disrepute. This is not such a case.

25. Discipline Counsel referred the Tribunal to cases in which students were charged with and pled guilty to the purchase of essays. The leading authority on the sanctions for the purchased essay offences is the Discipline Appeals Board`s decision in *University of Toronto v. C[redacted] H[redacted] and K[redacted]* (Case Nos. 596, 597 & 598; February 6, 2012). In that case, the Discipline Appeals Board concluded that purchased essay offences are "about as serious as can be committed in a University setting". The Appeals Board directed that the working assumption should be that expulsion from the University is generally the appropriate sanction for these offences. The Discipline Appeals Board set out the factors to consider but did note that each case must be decided on its own facts.

26. As Discipline Counsel noted, this case is instructive but not dispositive as the Student only used part of the Purchased Essay and did complete much of the Assignment on her own. This distinguishes the case from most purchased essay offences and supports a lesser sentence than the working assumption of expulsion.

27. As Discipline Counsel submitted, an aggravating factor in this case is that the Student had a prior offence. There were, however, also several mitigating factors, including that the Student admitted guilt early on at the Dean's meeting, cooperated with the University and pled guilty to the charges. The Student also had a difficult year personally that included health problems as well as the acrimonious divorce of her parents, which the student was forced to mediate during the night (which is daytime in China). These mitigating factors support the reasonableness of the penalty and not the harsher penalty of expulsion.

28. The agreed upon penalty reflects the seriousness of the offence, its effect on the University and the objective of general deterrence. It also appropriately takes into account the nature of this offence as a "partial" purchased essay and the mitigating factors.

PART 6 - THE ORDER

29. The University Tribunal makes the following order:

(a) a final grade of zero in GGR365H5S in the 2013 Fall term;

(b) a suspension from the University to commence April 30, 2015, and to end April 29, 2020;

(c) a notation of the sanction on her academic record and transcript from the date of the Order until her graduation from the University; and

(d) that it is appropriate for the University Tribunal to report this case to the Provost for publication on a notice of the Decision of the Tribunal and the sanction or sanctions imposed in the University newspapers, with the name of the Student withheld.

DATED at Toronto this 21st day of July, 2015.

Dena Varah, Co-Chair

APPENDIX A

THE UNIVERSITY TRIBUNAL

THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on November 27, 2014,

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:

THE UNIVERSITY OF TORONTO

- and -

Y[redacted] T[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 purposes of this hearing, the Provost and Y[redacted] T[redacted] ("Ms. T[redacted]") have prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The Provost and Ms. T[redacted] agree that:

(a) each document contained in the JBD may be admitted into evidence at the Tribunal for all purposes, including to prove 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. Notice of hearing, charges and admission of misconduct

2. Ms. T[redacted] admits that she received reasonable notice of the hearing. The notice of hearing is included in the JBD at Tab .

3. Ms. T[redacted] admits that she received a copy of the charges filed by the Provost on November 27, 2014. The charges are included in the JBD Tab . Ms. T[redacted] waives the reading of the charges filed against her, and pleads guilty to all 3 charges.

4. If the Tribunal convicts Ms. T[redacted] on charges #1 and #2, the Provost will withdraw charge #3.

5. A copy of Ms. T[redacted]'s academic record dated February 27, 2015, is found in the JBD at Tab . At all material times Ms. T[redacted] was a registered student at the University of Toronto Mississauga. Ms. T[redacted] first registered at the University of Toronto Mississauga in 2008 Fall. As at February 27, 2015, she had earned 18.5 credits, with a cumulative grade point average of 2.14. Ms. T[redacted] has not taken courses at the University following the Summer 2014 term.

B. The Course

6. In Fall 2013 Ms. T[redacted] enrolled in GGR365H5S: Trade and Globalization ("Course"), which was taught by Professor Pierre Desrochers.

7. A copy of the syllabus for the Course in 2014 is included in the JBD at Tab 4. The relevant sections of this syllabus did not change from 2013 to 2014. Students were advised that they would be required to submit their papers to Turnitin.com for a review

of textual similarity and detection of possible plagiarism. The syllabus also included a lengthy discussion of "academic integrity/honesty or academic offenses", with a reference to and a quote from the preamble to the Code and an emphasis on the creation of "an atmosphere of fairness and honesty, in which people can learn and receive appropriate credit for work that they have done."

C. The Book Review

8. The academic requirements for the Course required the submission of a 15-page essay or book review which was worth 40% of the final grade in the Course. The choice of topic for the essay or book review was required to be approved by Professor Desrochers.

9. Once a student obtained approval for their topic or book, they were required to submit a formal paper proposal, which was graded and returned to the student ("Review Essay Proposal"). The Review Essay Proposal was required to be re-submitted with the finished paper at the end of the term. The Review Essay Proposal was worth 5% of the Course mark, and was due on September 30, 2013.

10. A copy of the Guidelines for the Course assignments, with attachments, is included in the JBD at Tab 5.

11. Ms. T[redacted] emailed Professor Desrochers on September 18, 2013 to identify the book that she had chosen for her book review: Globalization: The Making of World Society by Frank Lechner. A copy of Ms. T[redacted] email is included in the JBD at Tab 6.

12. On September 24, 2013, Ms. T[redacted] emailed Professor Desrochers to advise him that she wished to change her book choice to a book called Globalization for

Development: Trade, Finance, Aid, Migration, and Policy by Ian Goldin and Kenneth Reinert ("Goldin Reinert Book"). Professor Desrochers approved this book. A copy of this email exchange is included in the JBD at Tab 7.

13. Ms. T[redacted] submitted her Review Essay Proposal on the Goldin Reinert Book as required ("T[redacted] Review Essay Proposal"). It was marked and returned to her.

14. On November 16, 2013, an individual named James Risdon brought to the University's attention his awareness that a student in a geography course at the University of Toronto was attempting to cheat by hiring someone to write a paper for him or her in GGR365 Trade and Globalization. A copy of an email from Mr. Risdon to Kathi Wilson, Chair, Department of Geography at UTM dated November 16, 2013, with three attachments, is included in the JBD at Tab 8.

15. Mr. Risdon provided the following details:

(a) He subscribed to a company that farms out orders for essays to freelance writers;

(b) Writers were being offered $140 for a 15-page paper guaranteed to earn the student at least 70 per cent with a deadline of November 20, 2013;

(c) The assignment subject was 'Review Essay', with a specific topic description of 'Geography (Trade and Globalization)';

(d) The paper required use of the APA referencing style, was to be written at the fourth year undergraduate academic level, and required 5 sources/references;

(e) Special instructions described the need for a review essay on a book called: "Ian Glodin, [sic] & Kenneth Reinert. (2007). Globalization for Development: Trade, Finance, Aid, Migration, and Policy. World Bank Publications. Second Edition." These instructions further indicated: "It is 40% essay, please please right it in good quality, and also quote anything that is not your own words, because this assignment will hand in on Turnitin.com!!! Please send me the finished essay by Nov 20, 2013."

(f) Additional instructions from the essay company to its freelance writers cautioned that a minimum mark of 70% must be achieved to warrant payment, that there be "absolutely NO copy/paste, NO plagiarism" and that the assignment must be properly sourced.

(g) Three document attachments were provided with Mr. Risdon's email:

(i) Review Essay Evaluation Sheet – GGR 365H5 ("Posted Review Essay Evaluation Sheet") (found at Tab 8A of the JBD). This is identical to the document provided by Professor Desrochers to students in GGR365 to be completed as part of their Review Essay (also found at Tab 5 of the JBD at page 5);

(ii) Globalization for Development Proposal (Review Essay) GGR365H5S Trade and Globalization ("Posted Review Essay Proposal") (found at Tab 8B of the JBD).

(iii) UTM Department of Geography Fall 2013 GGR 365H5S Trade and Globalization 15 page review essay detailed instructions ("Posted

Essay Instructions") (found at Tab 8C of the JBD). This document has the same content as is found in Tab 5 of the JBD at page 4.

16. Ms. T[redacted] submitted a Review Essay on December 2, 2013 entitled Globalization for Development: Trade, Finance, Aid, Migration, and Policy ("Review Essay"). A copy of the Review Essay is included in the JBD at Tab 9. A copy of the Turnitin Originality Report for the Review Essay is included in the JBD at Tab 9A.

17. Attached to the Review Essay (following page 21) was the T[redacted] Review Essay Proposal. The first page of this document is identical (except for the title and student's name and student number) to the Posted Review Essay Proposal attached to the email from Mr. Risdon as the second attachment (described in paragraph 15(g)(ii) above and found at Tab 8B).

18. The electronic metadata for the following documents reveals the following information:

(a) Pierre Desrochers is the author of the Review Essay Evaluation Sheet which was created on 15/01/2008. A screenshot of the Document Properties screen of the Review Essay Evaluation Sheet is included in the JBD at Tab 10.

(b) A[redacted] T[redacted] is the author of the Posted Review Essay Proposal. A screenshot of the Document Properties screen of the Posted Review Essay Proposal is included in the JBD at Tab 11 (left side of page).

(c) A[redacted] T[redacted] is the author of the Posted Essay Instructions. A screenshot of the Document Properties screen of the Posted Essay Instructions is also included in the JBD at Tab 11 (right side of page).

19. On February 19, 2014, Ms. T[redacted] attended a meeting with the Dean's Designate via Skype, as she was in China. Ms. T[redacted] first explained that she had asked a friend to help her out with grammar in the essay, and to help her polish it. She denied paying her friend for that assistance. Upon being told that the University had email evidence in which Ms. T[redacted] requested an essay and offered to pay $140 to purchase it, Ms. T[redacted] admitted to having purchased an essay (the "Purchased Essay").

20. Ms. T[redacted] admits that she knowingly obtained unauthorized assistance for her Review Essay by purchasing the Purchased Essay from a commercial essay writing service.

21. Ms. T[redacted] admits that she knowingly represented as her own the work of another person, and the ideas and expression of ideas of another person, by submitting her Review Essay.

22. Ms. T[redacted] admits that she knowingly submitted her Review Essay:

(a) having copied four full paragraphs directly from the Purchased Essay that she received from the essay service provider, as highlighted in yellow in the Review Essay included in the JBD at Tab 12A, and the Purchased Essay included in the JBD at Tab 12B;

(b) having copied the ideas and the expression of ideas from the book and the back page of the Goldin Reinert Book, as highlighted in green in the Review Essay at Tab 12A and the Goldin Reinert Book at Tab 12C of the JBD;

(c) having failed to attribute these verbatim and nearly verbatim excerpts appropriately using quotation marks or other appropriate means;

(d) to obtain academic credit in GGR365H5S; and

(e) with the intention that the University rely on it as containing her own work and ideas in considering the appropriate academic credit to be assigned to her work.

23. Ms. T[redacted] admits that she knowingly:

(a) obtained unauthorized assistance in the completion of the Review Essay contrary to section B.I.1(b) of the Code; and

(b) committed plagiarism in respect of the Review Essay, contrary to section B.I.1(d) of the Code.

24. Ms. T[redacted] confirms that she is signing this ASF freely and that she has been given the opportunity to obtain independent legal advice before signing this ASF, and has done so.

Signed on April 30, 2015.

[redacted]

Y[redacted] A[redacted] T[redacted]

Signed on April 30, 2015.

Lily Harmer
Assistant Discipline Counsel
University of Toronto

APPENDIX B

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on November 27, 2014,

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 –

Y[redacted] T[redacted] [redacted])

JOINT SUBMISSION ON PENALTY

1. For the purposes of the sanction phase of this hearing under the *Code of Behaviour on Academic Matters* ("*Code*"), the University of Toronto (the "University") and Y[redacted] T[redacted] have prepared this Joint Submission on Penalty.

2. The Provost and Ms. T[redacted] submit that the appropriate penalty in all the circumstances of the case is that the University Tribunal impose the following sanctions on Ms. T[redacted]

(a) a final grade of zero in GGR365H5S in the 2013 Fall term;

(b) a suspension from the University to commence April 30, 2015, and to end April 29, 2020;

(c) a notation of the sanction on her academic record and transcript from the date of the Order until her graduation from the University.

3. The Parties further submit that it is appropriate for the Tribunal to report this case to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed in the University newspapers, with the name of the student withheld.

Signed on April 30, 2015.

[redacted]

Y[redacted] T[redacted]

Signed on April 30, 2015.

Lily Harmer
Assistant Discipline Counsel
University of Toronto

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NO. 4

THE UNIVERSITY OF TORONTO

MS. Y[redacted] (A[redacted]) T[redacted]

This Exhibit is produced by

the UNIVERSITY

this 30 day of APRIL ,20 15