

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic misconduct filed on July 15, 2020,

**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 -

S [REDACTED] G [REDACTED]

**REASONS FOR DECISION**

**Hearing Date:** November 24, 2021, via Zoom

**Members of the Panel:**

Ms. Alexi Wood, Chair  
Professor Richard DiFrancesco, Faculty Panel Member  
Ms. Serena Ju, Student Panel Member

**Appearances:**

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP  
Ms. Jacqueline Cummins, Law Clerk, Paliare Roland Rosenberg Rothstein LLP  
Ms. Erica Berry, Representative for the Student, Downtown Legal Services

**Hearing Secretary:**

Ms. Nadia Bruno, Special Projects Officer, Appeals, Discipline and Faculty Grievances

**In Attendance:**

Mr. S [REDACTED] G [REDACTED]

**A. OVERVIEW**

1. On November 24, 2021, a Panel of the University Tribunal convened by videoconference to hear the University of Toronto's (the "University") allegations that S■■■■ G■■■■ (the "Student") violated the *Code of Behaviour on Academic Matters* (the "*Code*"). By letter dated July 15, 2020, the charges against the Student were as follows:

- a. On or about December 2, 2019 the Student knowingly represented as his own an idea or expression of an idea, and/or the work of another in an assignment titled "Ebola in the Democratic Republic of Congo" ("Assignment") that he submitted in partial completion of the requirements for HLTB16H3: Introduction to Public Health (the "Course") contrary to section B.I.1(d) of the *Code*.
- b. On or about December 2, 2019, the Student knowingly obtained unauthorized assistance in connection with the Assignment that he submitted in partial completion of the requirements for the Course contrary to section B.I.1(b) of the *Code*.
- c. In the alternative, the Student knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code* in connection with the Assignment that he submitted in order to obtain academic credit or other academic advantage of any kind in the Course, contrary to section B.I.3(b) of the *Code*.

2. The particulars related to charges are as follows:

- a. At all material times, the Student was a registered student in the University of Toronto Scarborough. In Fall 2019, the Student registered in the Course, which was taught by Dr. Hilary Brown.

- b. On or about December 2, 2019, the Student submitted the Assignment, which was worth 20% of the final grade in the Course.
  - c. The Student did not write the Assignment, but purchased it from a third party.
  - d. In submitting the Assignment, the Student knowingly represented the work of another person or persons as his own, and the Student knowingly included ideas and expressions that were not his own, but were the ideas and expressions of other persons, which he did not acknowledge.
  - e. For the purposes of obtaining academic credit and/or other academic advantage, the Student knowingly committed plagiarism in and obtained unauthorized assistance with the Assignment.
3. The parties provided the Tribunal with an Agreed Statement of Facts (“ASF”) that the Student acknowledged he signed freely and voluntarily, knowing the consequences he faced, and with the advice of counsel. In the ASF, the Student confirmed he had received a copy of the charges. After hearing the submissions of counsel for both parties and reviewing the facts outlined in the ASF, the Tribunal found that the Student had committed the offence in paragraph 1(a) above, specifically that the Student had:
- a. On or about December 2, 2019 knowingly represented as his own an idea or expression of an idea, and/or the work of another in an assignment titled “Ebola in the Democratic Republic of Congo” (“Assignment”) that he submitted in partial completion of the requirements for HLTB16H3: Introduction to Public Health (the “Course”) contrary to section B.I.1(d) of the *Code*.

4. As a result of this finding, the Provost agreed to withdraw the charges in paragraphs 1(b) and (c) above.

5. The Student also signed an Agreed Statement of Facts for Penalty, again, freely and voluntarily, knowing the potential consequences he faced, and with the advice of counsel.

6. The Tribunal imposed the penalty agreed to by the parties in a Joint Submission on Penalty and ordered that the Student receive:

- a. A final grade of zero in the course HLTB16H3 in Fall 2019;
- b. A suspension from the University of Toronto for a period of four years from the date of the Tribunal's order to November 23, 2025, to run concurrently with the Student's academic suspension; and
- c. A notation of the sanction on his academic record and transcript for five years from the date of the Tribunal's order to November 23, 2026.

7. The Tribunal also ordered 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 name of the Student withheld.

8. At the conclusion of the hearing, the Tribunal made its order with reasons to follow. These are the reasons.

## **B. AGREED FACTS**

9. At all material times, the Student was registered at the University of Toronto, Scarborough. At the time of the hearing, he had completed 14.0 credits, with a GPA of 1.38.

10. The Student served a four month academic suspension following the Fall 2020 term. Starting in the Summer 2021 term, the Student began serving a twelve month academic suspension. At the time of the Hearing, the Student was serving this academic suspension.

11. In the Fall 2019 term, the Student was enrolled in the Course at the University of Toronto which was taught by Professor Hilary Brown.

### ***The Assignment***

12. The Course required students to submit the Assignment, worth 20% of the final mark. The Assignment was a report on a recent health crisis or issue. The instructions for the Assignment noted the importance of academic integrity.

13. The Student submitted the Assignment on December 2, 2019 after receiving an extension.

14. Turnitin flagged the Assignment as having an overall 46% similarity index, with 39% flagged as being similar to the assignment submitted by another student (“Student Y”) in the Course. Student Y submitted their assignment on November 13, 2019.

15. After obtaining the Turnitin Report, Professor Brown compared the Student’s Assignment to Student Y’s assignment and confirmed large portions of the text of the two assignments were very similar, with only small changes in wording.

### ***Admissions Relating to the Oral Test***

16. A report was prepared comparing the first two pages of the Student’s Assignment with Student Y’s. That report showed the majority of the first two pages of the Student’s Assignment were identical or contained slight word changes from Student Y’s assignment. The Student admits

that if the remainder of the Assignment was compared to Student Y's, it would show that his entire Assignment contained very similar words and ideas to Student Y's, with numerous word substitutions and re-ordering of text to attempt to avoid detection.

17. The Student met with the Dean's Designate on May 7, 2020. He explained that he had not worked together with Student Y but that they had both received assistance from the same online service and the person they had both hired to write their respective assignments used the same passages in both of their assignments.

### **C. FINDING OF GUILT**

18. The Student admitted that he knowingly:

- a. Purchased unauthorized assistance for the entirety of his Assignment from an individual who provided an essay writing service;
- b. Re-ordered many of the words and phrases in his Assignment and substituted synonyms for many of them;
- c. Did so to attempt to avoid detection of the fact that his Assignment was essentially identical to the assignment submitted by another student in the Course; and that
- d. He did so in an effort to improve his mark in the Course.

19. Based on the evidence submitted by way of the ASF, and hearing the submissions from counsel for both parties, the Tribunal is satisfied, based on clear and convincing evidence, that the Student knowingly:

- a. Used or possessed an unauthorized aid or aids or obtained unauthorized assistance in the Assignment, contrary to section B.I.1(b) of the *Code*;

- b. Represented the ideas of another person, the expression of the ideas of another person, and the work of another person as his own, committed plagiarism contrary to section B.I.1(d) of the *Code*; and
- c. 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*.

20. The Tribunal accepts the Student's guilty plea to charges outlined in paragraph 1(a) above. Counsel for the University, accordingly, withdrew the charges outlined in paragraph 1(b) and 1(c) above.

#### **D. PENALTY**

21. The parties provided a Joint Submission on Penalty.

22. A joint submission on penalty should only be rejected in circumstances where giving it effect would be contrary to the public interest or would bring the administration of justice into disrepute. The Tribunal must determine if the outcome falls within a reasonable range of outcomes, recognizing the institutional value, efficiency and importance of outcomes that are achieved through such joint submissions. The Tribunal's role is not to determine if it would impose the same penalty as that proposed by the parties.<sup>1</sup>

23. For the purposes of penalty, there is no doubt that plagiarism is an extremely serious offence that must be treated with the appropriate penalty. Deterrence must be recognized, and

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<sup>1</sup> See, for example, the case of the *University of Toronto and S.K.* (Case No.: 1031, November 11, 2019) and the case of the *University of Toronto and Y.W.* (Case No.: 990, September 12, 2019).

severe penalties enforced for such an egregious offence. The aggravating factors in this case also include the commercial nature of the offence, with the Student purchasing the work of another.

24. The Tribunal also considered various mitigating factors including that this is the Student's first academic misconduct offence. The most important mitigating factor was that the Student admitted his violation of the Code from the outset and readily accepted responsibility for his actions. Counsel for the University submitted that this shows good character. Counsel for the University acknowledged that the University was proposing a sanction on the lower end of the scale because the Student readily admitted the offence and had been fully cooperative throughout.

25. Counsel for the Student reinforced that this was the Student's first offence and that this behaviour was out of character. She submitted that the Student's cooperation, from the initial meeting with the Dean's Designate, showed good character. The Student had demonstrated remorse and accepted responsibility for his actions. She appropriately distinguished the case law that imposed more severe penalties and argued that the proposed joint penalty was appropriate in this case.

26. The Tribunal would like to thank both counsel for their helpful submissions, and particularly Ms. Berry who did an excellent job arguing for the joint penalty.

### ***Timing of the Suspension***

27. At the time of the Hearing, the Student was on academic suspension. The Parties provided submissions and case law addressing the question of whether the suspension for misconduct should run concurrently with the suspension the Student was currently serving, or whether the suspension should start to run after the Student completed his academic suspension in the summer of 2022.



28. Counsel submitted that the prior cases demonstrated that in situations where a student had accepted responsibility for their actions, concurrent suspension was appropriate.

***Joint Submission on Penalty***

29. The parties submitted the appropriate penalty ought to be that the Student receive:

- a. a final grade of zero in the course HLTB16H3 in Fall 2019;
- b. a suspension from the University of Toronto for a period of four years from the date of the Tribunal's order to November 23, 2025, to run concurrently with the Student's academic suspension; and
- c. a notation of the sanction on the Student's academic record and transcript for five years from the date of the Tribunal's order to November 23, 2026.

30. The Tribunal also ordered that the case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the name of the Student withheld.

31. The Tribunal was provided with several cases from which the Tribunal concluded that the penalty falls within a reasonable range of outcomes. The penalty is not contrary to the public interest nor would it bring the administration of justice into disrepute. The Tribunal therefore orders the penalty proposed by the parties.

**E. ORDER**

32. The Tribunal orders that the Student receive:

- a. a final grade of zero in the course HLTB16H3 in Fall 2019;

- b. a suspension from the University of Toronto for a period of four years from the date of the Tribunal's order to November 23, 2025, to run concurrently with the Student's academic suspension; and
- c. a notation of the sanction on the Student's academic record and transcript for five years from the date of the Tribunal's order to November 23, 2026.

33. The Tribunal also ordered that the case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the name of the Student withheld.

Dated at Toronto this 1 day of March, 2022.

Original signed by: \_\_\_\_\_

Ms. Alexi Wood, Chair  
On behalf of the Panel