

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on November 16, 2021,

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 -

Q ██████████ Z ██████████

REASONS FOR DECISION

Hearing Date: January 7, 2022, via Zoom

Members of the Panel:

Mr. F. Paul Morrison, Chair

Professor Richard DiFrancesco, Faculty Panel Member

Ms. Serena Ju, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Mr. William Webb, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

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

Not In Attendance:

Ms. Q ██████████ Z ██████████

A. CHARGES

1. On January 7, 2022, this panel of the University Tribunal held a hearing to consider the charges brought by the University of Toronto (the “University”) against Q ██████ Z ██████ (the “Student”) under the *Code of Behaviour on Academic Matters, 1995* (the “Code”).

2. The Charges were as follows:
 1. On or about March 5, 2021, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in an assignment, Data Work 2, which you submitted in partial completion of the requirements for LIN353H5S, 2021(1) (the “Course”), contrary to section B.I.1(d) of the *Code*.

 2. In the alternative to, 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 the Course, contrary to section B.I.3(b) of the *Code*.

Particulars of the offences charged are as follows:

- (a) At all material times, you were a registered student in the University of Toronto Mississauga. In Winter 2021, you registered in the Course, which was taught by Professor Barend Beekhuizen.

- (b) One of the course requirements was to complete Data Work 2, which was worth 15% of the final grade in the course.

- (c) You purchased assignment that you submitted. You did no meaningful academic work on the assignment before you submitted it.

- (d) You knowingly included the ideas, and/or the expression of ideas, and/or the words of another in your assignment without proper attribution.

- (e) In the academic work that was submitted in your name, you knowingly represented the work of other persons as your own, and you knowingly

included ideas and expressions that were not your own, but were the unacknowledged ideas and expressions of other persons.

- (f) For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in the academic work that you submitted.

- 3. The Student did not attend the hearing. She executed a Request that the Tribunal proceed in her absence.

B. FACTS AND FINDING

- 4. The parties submitted an Agreed Statement of Facts (“ASF”). The ASF was marked as an Exhibit at the hearing.
- 5. The Student admitted the accuracy of the facts and pled guilty to all charges.
- 6. The Provost agreed that if the Tribunal entered a conviction on Charge #1, Charge #2 would be withdrawn.

(a) The Course

- 7. In Winter 2021, the Student enrolled in LIN353H5S, 2021(1) (the “Course”), which was taught by Professor Barend Beekhuizen. A copy of the syllabus is attached to the ASF at Tab 3.
- 8. The syllabus advised students to review the Code, and stated that students were not permitted “to represent as one's own any idea or expression of an idea or work of another in any academic examination or term test or in connection with any other form of academic work, i.e. to commit plagiarism.”
- 9. One of the Course requirements was to complete an assignment, Data Work 2. The assignment was worth 15% of the final grade in the Course. The assignment required students to transcribe and analyze a conversation, including identifying the speakers, overlaps, intonations, truncations, pauses, and accents. A copy of the assignment instructions is attached to the ASF at Tab 4.

10. On or about March 5, 2021, the Student submitted the assignment. A copy of the Student's assignment is attached to the ASF at Tab 5.
11. Professor Beekhuizen suspected that the Student might have committed academic misconduct because there were significant similarities between the Student's assignment and the assignment that another Student in the course, K.Q., had submitted. In particular, Professor Beekhuizen was concerned that both assignments contained a near identical transcription for part 1 of the assignment, and identified virtually all the same transcribed fragments for part 2 of the assignment. Professor Beekhuizen expected some overlap between the assignments; however, given the number and degree of similarities between the assignments, he believed that it was highly unlikely that the similarities were coincidental. A copy of K.Q.'s assignment is attached to the ASF at Tab 6.
12. The Student met with Professor Beekhuizen in March 2021. During this meeting, the Student admitted that a third party wrote the assignment.

(b) The Dean's Designate meeting

13. On May 5, 2021, the Student met with Charles Elkabas, the Dean's Designate for academic integrity. The Student acknowledges that Prof. Elkabas provided her with the required warnings under the Code.
14. During this meeting, the Student initially stated that she attended a "shadow school" for the course. The Student stated that a tutor from the shadow school verbally told her how to complete the assignment, that she wrote down the tutor's instructions in Mandarin, and then translated them into English.
15. Prof. Elkabas asked the Student to explain why K.Q.'s assignment was virtually identical to her assignment if she translated her assignment into English. In response, the Student admitted that she paid approximately \$100 to \$140 to an agency called "EZ4" to complete the assignment. She admitted that a tutor from EZ4 completed the assignment during a videoconference via screen share, and that she copied the tutor's answer.

(c) Admissions and acknowledgements

16. The Student admits that she purchased the assignment for approximately \$100 to \$140 from an agency called EZ4.
17. The Student admits that she did no meaningful academic work on the assignment.
18. The Student is remorseful for her conduct.
19. The Student admits that in the assignment she knew or ought to have known that she was representing the ideas of another author, the expression of the ideas of the author, and the work of the author as her own. The Student admits that she knew or ought to have known that she was committing plagiarism contrary to section B.I.1(d) of the Code.
20. The Student admits that she knew or ought to have known that she 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 the assignment, contrary to section B.I.3(b) of the Code.

C. DISPOSITION

21. The Tribunal considered the ASF and documents referred to therein, and the Student's admissions. Having done so, the Tribunal accepted the guilty plea with respect to Charge #1 and entered a conviction thereon.
22. In accordance with its undertaking, the University withdrew Charge #2.

D. PENALTY

23. The parties agreed upon and filed a Joint Submission on Penalty. In part, it read as follows:
 3. The Provost and [the Student] submit that, in all the circumstances of the case, the University Tribunal should impose the following sanctions on Ms. Z■■■

- (a) A final grade of zero in LIN353H5S, 2021(1);
 - (b) A suspension from the University until August 31, 2026; and
 - (c) A notation of the offence on her academic and record for six years from the date of Tribunal's order.
- 4. 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, with the name of the student withheld.
 - 5. [The Student] admitted that she purchased the academic work she submitted both during her meeting with the instructor on March 30, 2021, and again during her meeting with Dean's Designate on May 5, 2021.
 - 6. In the circumstances of this case, the parties agree that permitting [the Student] to return to her studies in Fall 2026 is appropriate.
24. The Tribunal recognizes that a joint submission should be considered in accordance with the following principles. The authorities strongly establish the applicable principles with respect to a joint submission as to penalty. Such a joint submission may be rejected by a panel only in circumstances where to give effect to it would be contrary to the public interest or would bring the administration of justice into disrepute. In a University setting, this means that the joint submission must be measured against the understood and entrenched set of values and behaviours, which members of the University community are expected to uphold. Only if a joint submission is fundamentally offensive to these values may it be rejected.
25. The Panel considered the Joint Submission in the context of the well-established principles with respect to sentencing in cases such as this. Those principles include consideration of the character of the Student, the nature of the offence committed, the need for specific and general deterrence against commission or repetition of similar offences, the detriment to the University, and any extenuating

circumstances. Having done so, the Panel found the Joint Submission to be reasonable and appropriate

E. ORDER

26. Accordingly, the Tribunal issued the following Order:

- (a) **THAT** the hearing may proceed in the absence of [the Student];
- (b) **THAT** [the Student] is guilty of one count of the academic offence of plagiarism, contrary to section B.I.1(d) of the Code of Behaviour on Academic Matters;
- (c) **THAT** the following sanctions shall be imposed on [the Student]:
 - (i) a final grade of zero in LIN353H5S, 2021(1);
 - (ii) a suspension from the University until August 31, 2026; and
 - (iii) a notation of the sanction on her academic record and transcript for six years from the date of this order; and,
- (d) **THAT** this case shall 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 12th day of April, 2022.

Original signed by: _____
Mr. F. Paul Morrison, Chair

On behalf of the Panel