

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on November 10, 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:

**UNIVERSITY OF TORONTO**

- and -

**C [REDACTED] L [REDACTED]**

**REASONS FOR DECISION**

**Date of Hearing:** March 10, 2022, via Zoom

**Members of the Panel:**

Ms. Karen Symes, Chair  
Dr. Blake Poland, Faculty Panel Member  
Ms. Julie Farmer, Student Panel Member

**Appearances:**

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP (as he then was\*)  
Mr. William Webb, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP  
Ms. C [REDACTED] L [REDACTED]

**Hearing Secretary:**

Ms. Krista Kennedy, Administrative Clerk and Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances

\*The Honourable Justice Robert Centa was appointed as a Judge of the Superior Court of Justice of Ontario shortly after the hearing occurred.

## Charges and Hearing

1. This Panel of the University Tribunal held a hearing, by Zoom, on March 10, 2022, to consider the charges brought by the University of Toronto (the “University”) against C [REDACTED] L [REDACTED] (the “Student”) under the *Code of Behaviour on Academic Matters, 1995* (the “Code”).
2. The charges against the Student are as follows:
  - i. On or about May 10, 2020, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in Reading Response 2, Question A (Turvey), which you submitted in partial completion of the requirements for PHL221H5F 2020(5) (the “Course”), contrary to section B.I.1(d) of the *Code*.
  - ii. On or about May 10, 2020, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in Reading Response 2, Question B (Arnheim), which you submitted in partial completion of the requirements for the Course, contrary to section B.I.1(d) of the *Code*.
  - iii. On or about May 12, 2020, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in Reading Response 2, Question C (Munsterberg), which you submitted in partial completion of the requirements for the Course, contrary to section B.I.1(d) of the *Code*.
  - iv. On or about June 2, 2020, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in Reading Response 4, Question B (Carroll), which you submitted in partial completion of the requirements for the Course, contrary to section B.I.1(d) of the *Code*.
  - v. On or about June 2, 2020, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in a make-up reading response about Cavell’s analysis of *It Happened One Night*, which you submitted in partial completion of the requirements for the Course, contrary to section B.I.1(d) of the *Code*.

### *Charges related to Essays*

- vi. On or about May 25, 2020, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in an essay, the first essay, which you submitted in partial completion of the requirements for the Course, contrary to section B.I.1(d) of the *Code*.
- vii. On or about June 11, 2020, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in an essay titled “Comparing and Contrasting Racism in *Guess Who’s Coming to Dinner* and *Get Out*”, the second essay, which you submitted in partial completion of the requirements for the Course, contrary to section B.I.1(d) of the *Code*.

### *Charges in the alternative*

- viii. In the alternative to each of the charges listed above, 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*.

3. The particulars related to charges are as follows:
  - (a) At all material times, you were a registered student in the University of Toronto Mississauga. In May 2020, you registered in the Course, which was taught by Professor Michaela Mason.
  - (b) You purchased the each of the reading responses and essays described above that were submitted in your name and on your behalf. You did no meaningful academic work on any of them before the work was submitted.
  - (c) You knowingly included the ideas, and/or the expression of ideas, and/or the words of another in each of the responses and essays without proper attribution.
  - (d) 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.
  - (e) For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in the academic work that you submitted.
4. The Student and Assistant Discipline Counsel, on behalf of the University, were able to reach an agreement and the hearing proceeded on the basis of an Agreed Statement of Facts (“ASF”) and Joint Submission on Penalty (“JSP”).
5. The Panel reviewed the ASF and the documents filed confirming the facts set out in the ASF before and during the course of the hearing. A summary of the agreed facts follows.

### **Evidence and Findings**

6. In May 2020, the Student registered in PHL221H5F 2020(5), which was taught by Professor Michaela Mason (the "Course").
7. The Student admits that she received a copy of the syllabus for the Course (an excerpt of which was attached to the ASF). The academic requirements for the Course included four short reading responses, which were each worth 5% of the final grade in the Course. The instructor provided a list of questions for each reading response, and students were required to answer one question per reading response. The academic requirements for the Course also included two short essays, which were each worth 15% of the final grade. The Student admits that she received a copy of the instructions for the reading response and short essays. Copies of the prompts for reading responses 2 and 4, and short essays 1 and 2 was attached to the ASF at Tab 4.
8. In addition, the ASF also sets out the following:

9. The student submitted electronic copies of the four short reading responses and the two short essays. In particular:
  - (a) On or about May 10, 2020, the student submitted Reading Response 2, Question A (Turvey), Question B (Arnheim), and Question C (Munsterberg) copies of which were attached to the ASF at Tab 5;
  - (b) On or about June 2, 2020, the student submitted Reading Response 4, Question B (Carroll), a copy of which was attached to the ASF at Tab 6;
  - (c) On or about May 25, 2020, the student submitted Short Essay 1, a copy of which was attached to the ASF at Tab 7; and
  - (d) On or about June 11, 2020, the student submitted Short Essay 2, a copy of which was attached to the ASF at Tab 8.
10. Professor Mason was concerned that the student may have committed academic misconduct by purchasing copies of her reading responses and essays. Professor Mason initially noticed that the student had performed significantly better on Short Essay 1 than she had on her first reading response, both of which were graded by a Teaching Assistant. Professor Mason later reviewed the student's reading responses and found that they did not conform to the assignment requirements and were unrelated to the Course readings. Professor Mason also reviewed the student's short essays and found that they contained placeholders, namely "[Student Name]" and "[University]", on the title page.
11. Professor Mason reviewed the document properties for the student's reading responses, and found that "Anum Naz" was listed as the author. Professor Mason searched the name "Anum Naz" on the internet and found a webpage on Quora.com where a user by that same name had posted about essay writing services. Quora.com is a website that allows users to post and answer questions. A screenshot of the document properties for the student's reading responses was attached to the ASF at Tab 9, and a copy of the Quora.com webpage was attached to the ASF at Tab 10.
12. The student met with Professor Mason on June 10, 2020. During that meeting, the student admitted that she had purchased all of her reading responses and essays from an essay writing service.
13. On April 28, 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. During this meeting, the student admitted to Prof. Elkabas that she purchased all four of her reading responses and both short essays from an essay writing service for \$400.
14. The student states that she purchased the readings responses and essays from an essay writing service in bulk for \$400 at the beginning of the Course. The student admits that she did no meaningful academic work on any of the four readings responses or the two short essays.
15. The student admits that in the four readings responses and two short essays 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. 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 four reading responses and two short essays, contrary to section B.I.3(b) of the Code.

9. The ASF states that the Student is remorseful for her conduct. The Student also provided an oral statement to the Panel during the hearing. The Student told the panel that she feels deep regret for her actions and the loss of her integrity flowing from those actions. There is not a day that has gone by since June 2020 when she has not thought about what she did and has struggled to come to terms with it and try to forgive herself and find self-worth again. The Student experienced disruptions to her sleep and appetite after the misconduct. She is aware of the sacrifices made by her parents to give her opportunities and an education. The Student feels that she has squandered those opportunities by her misconduct. The Student explained that she wants to use her degree to become a teacher and to give back to an education system that she values and respects. She is keenly aware that, by committing these offences of academic misconduct, she has “disgraced” the same education system that she holds sacred. The Student worked hard in the two semesters following these incidents of misconduct and achieved academic success. She assured the Panel that if she were spared from expulsion, she intends to return to the University of Toronto to “properly earn the prestigiousness that is a University of Toronto degree,” and to pursue a career as a teacher to give back to the education system for all that it has done for her. The Panel was impressed with the statement of the Student and her insight into her actions. The Panel has no doubts as to the sincerity of her remorse and the regret she feels for her actions.
10. Following deliberations and based on the admissions made by the Student, the ASF and the supporting materials, the Panel concluded that charges #1 through #7 had been proven with clear and convincing evidence on a balance of probabilities, and accepted the guilty plea of the Student in respect of those charges. The Panel was advised that if the Tribunal convicted the Student on those charges, the University would withdraw Charge #8 and that charge was so withdrawn.

### **Penalty**

11. The Student and University submitted a JSP in support of the following penalty:
  - a. a final grade of zero in PHL221H5F 2020(5);
  - b. a suspension from the University for five years commencing on May 1, 2022;  
and
  - c. a notation of the offence on her academic record and transcript for six years from the date of the Tribunal’s order.

12. The parties also submitted 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.
13. This is a serious offence. As set out in the Discipline Appeals Board decision in *The University of Toronto and S.C., N.R.H. and M.K.K. (“S.C.”)* (Case Nos. 596, 597 and 598, November 23, 2011), “purchased essay offences are about as serious as can be committed in a University setting,” (para 136). The Appeals Board explained the reasons for this at paras 104-105:

[104] We begin our analysis by explaining our views about the nature of the offence in this case. As previous decisions of this Board make clear, purchasing academic work for a fee and then submitting that work with a view to securing academic credit, has always been considered among the very most, to use the majority’s description, “egregious” offences a student can commit in the University environment. There are a number of reasons for this. First, in taking these steps, there is clear evidence of intention, deliberation and knowing deception, both in the planning, managing and completion of the offence, all of which occurs over a period of time, as in this case. As well, the act of paying for the services of another in this context, introduces a commercial element into the relationship of a student with the University, a factor very distant from the core values of an academic institution, where individual effort, intellectual thought and hard work are the hallmarks.

[105] Moreover, this particular variety of plagiarism is quite different and more severe than the usual appropriation of the work of another through internet sources or the many ways that existing work can be commandeered. With purchased work, as the advertising of The Essay Place makes clear, the student buys an original work, tailored to the specific subject and which will not be found through the increasing sophisticated antennae of professors and their electronic helpers.

14. The Appeals Board explained that, for this type of offence, the Tribunal should approach sentencing “with the working assumption that expulsion from the institution is the sanction that is best commensurate with the gravity of the offence,” (at para 136). That said, whether or not expulsion is appropriate will depend on a number of factors and the particular facts of the case. The University provided the panel with authorities on cases of purchased essays:
  - i. *The University of Toronto and S.C., N.R.H. and M.K.K.* (Case Nos. 596, 597 and 598, November 23, 2011);
  - ii. *The University of Toronto and Y.S.* (Case No. 1035, October 30, 2019);
  - iii. *The University of Toronto and J.W.* (Case No. 1082, August 23, 2019);
  - iv. *The University of Toronto and P.H.Q.* (Case No. 982, May 8, 2019);

- v. *The University of Toronto and Y.W.* (Case No. 990, September 12, 2019);
  - vi. *The University of Toronto and N.H.* (Case No. 996, May 7, 2019);
  - vii. *The University of Toronto and A..D.* (Case No. 972, September 26, 2018);
  - viii. *The University of Toronto and Z.Z.* (Case No. 918, March 28, 2017);
  - ix. *The University of Toronto and Z.Z.* (Case No.862, August 23, 2016); and
  - x. *The University of Toronto and Y(A).T.* (Case No. 783, July 21, 2015)
15. As the Tribunal has stated in many cases, absent exceptional circumstances, panels are expected to accept and implement joint submissions on penalty. As set out in the Discipline Appeals Board decision in *The University of Toronto and M. A.* (Case No. 837, December 22, 2016), a joint submission on penalty “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” (para 25).
16. During the hearing the Panel raised the issue of why May 1, 2022, was selected as the date of the commencement of the suspension in the proposed terms of the JSP and whether the suspension could be backdated. Assistant Discipline Counsel advised that the Student continued to be enrolled in courses until the Fall of 2021 and so the date of May 1, 2022 was selected so that the Student would be able to enrol in the Summer 2027 semester should she wish to return after the suspension. The Panel inquired why the suspension could not be backdated to January 1, 2022, if the Student had not been enrolled in courses since then. This would allow the Student to start courses in the Winter 2027 semester. Assistant Discipline Counsel took the position that, in order to alter the terms of the JSP which include the proposed date for the commencement of the suspension, the Panel would have to find that commencing the suspension on May 1, 2022, would be contrary to the public interest or would bring the administration of justice into disrepute. The Panel accepts that this is the applicable test for rejecting any of the terms of the JSP. But for the JSP, the Panel may have backdated the suspension to begin on January 1, 2022 to reflect the fact that the Student has not been enrolled in courses since that date in light of the mitigating factors outlined below. However, the fact that the Panel may consider January 1, 2022, a more appropriate date for the suspension to commence does not meet the threshold for rejecting a JSP.
17. In the Panel’s view, the joint submission in this case is neither contrary to the public interest, nor would it bring the administration of justice into disrepute. In arriving at this decision, the Panel took into consideration the nature of the offence, the detriment to the University occasioned by the offence, the need to deter other students from acting in a similar manner, the character of the Student, and the circumstances surrounding the commission of the offence (*University of Toronto v. Mr. C. Case No. 1976/77-3, November 5, 1976* at p. 15). The penalty proposed falls within the range of penalties imposed in other similar cases.

18. While this was a serious offence for the reasons outlined above, there are also important mitigating factors to consider. First, this was the Student's first academic offence. While there were multiple offences of purchasing work committed, the Student purchased all of the work "in bulk" at the same time at the beginning of the course and did not make seven separate decisions to purchase academic work. However, while the decision to purchase the work happened at the same time, the decision to use the purchased work was not a single event. The Student did not submit the purchased work all at the same time and it did involve individual decisions to commit each academic offence. Second, the Student admitted guilt and entered into the ASF and JSP. The Student did not attempt to minimize or justify her conduct. She accepted complete responsibility for the offences. Third, the Student expressed profound regret and remorse for her conduct. She demonstrated that she understands the gravity of her actions and the damage that such conduct does to the integrity of the education system.
19. Finally, these offences were committed in May of 2020, shortly after the Coronavirus global pandemic shuttered the doors of countries, businesses, services, and academic institutions around the world. The University of Toronto was no exception. Students and faculty had to pivot to online learning while dealing with the fear and isolation caused by Covid-19. The Panel finds that Covid-19 has created exceptional circumstances and challenges for students and that the conduct of this Student cannot be examined without placing it in the context of the impact of Covid-19. This issue was raised during the hearing. Assistant Discipline Counsel acknowledged that Covid-19 can be considered a mitigating factor in this case.
20. In all of the circumstances, and having reviewed the cases provided by the parties in support of the JSP, at the conclusion of the hearing, the Panel issued the following Order, which is hereby confirmed:
  - d. The Student is guilty of seven counts of the academic offence of plagiarism, contrary to section B.I.1(d) of the Code of Behaviour on Academic Matters;
  - e. The following sanctions shall be imposed on the Student:
    - i. a final grade of zero in PHL221H5F 2020(5);
    - ii. a suspension from the University for five years commencing on May 1, 2022; and
    - iii. a notation of the offence on her academic record and transcript for six years from the date of the Tribunal's order.
  - f. THAT this case shall be reported to the Provost for publication of a notice of the Tribunal's decision and the sanction imposed, with the student's name withheld.

Dated at Toronto this 17<sup>th</sup> day of June, 2022.



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

Ms. Karen Symes, Chair

On behalf of the Panel