

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on November 11, 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 -

X [REDACTED] L [REDACTED]

Reasons for Decision

Hearing Date: March 22, 2022, via Zoom

Members of the Panel:

Ms. Cheryl Woodin, Chair

Professor Alexander Koo, Faculty Panel Member

Ms. Serena Ju, 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 Rothstein LLP

Hearing Secretary:

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

Not in Attendance:

Ms. X [REDACTED] L [REDACTED]

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

Introduction

1. The Trial Division of the University Tribunal was convened on March 22, 2022 to consider charges brought by the University of Toronto (the "University") against Ms. ████████ L█ (the "Student") under the *University of Toronto Code of Behaviour on Academic Matters*, 1995 (the "Code").
2. The Student was unrepresented and did not attend the meeting. Prior to the hearing, the University and the Student entered into an Agreed Statement of Facts ("ASF") and Joint Submission on Penalty ("JSP"), all of which had been reviewed and agreed to by the Student. The Student both accepted and requested that the hearing proceed in her absence and executed the Request to Proceed in the Absence of the Student, dated February 13, 2022.

The Charges and Particulars

3. The Charges and Particulars alleged against the Student are as follows:

Charges:

4. On or about December 7, 2020, the Student knowingly represented as her own an idea or expression of an idea, and/or the work of another in an essay titled "Impact of ECFR on the Education of Asian Countries," which the Student submitted in partial completion of the requirements of English Worldwide LIN357H5F, 2020(9) (the "Course"), contrary to section B.I.1(d) of the Code.
5. 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 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:

6. At all material times, the Student was a registered student in the University of Toronto Mississauga. In May 2020, the Student registered in the Course, which was taught by Professor Derek Denis.
7. One of the requirements of the Course was to submit an essay, which was worth 25% of the final grade in the Course.
8. The Student purchased an essay described through a website and then knowingly submitted it in her name. The Student did no meaningful academic work on the essay before she submitted it.
9. The Student knowingly included the ideas, and/or the expression of ideas, and/or the words of another in the essay that she submitted.
10. In the essay that the Student submitted, she knowingly represented the work of other persons as her own, and knowingly included ideas and expressions that were not her own, but were the unacknowledged ideas and expressions of other persons.
11. For the purposes of obtaining academic credit and/or other academic advantage, the Student knowingly committed plagiarism.

The Evidence Related to the Charges

12. Evidence was submitted in the form of an ASF.

13. The relevant evidence contained in the ASF, executed on January 23, 2022, is reprinted below (without the source documents which are contained in the Book of Documents).

A. The Course

7. In the Fall 2020, the Student registered in LIN357H5 English Worldwide (the "Course"), which was taught by Professor Derek Denis. The Student admits she received a copy of the syllabus.
8. The syllabus contained an extensive warning about academic honesty and plagiarism.
9. The academic requirements for the Course included participation, quizzes, a film response, seminars, and an individual paper. The individual paper comprised three parts:
 - a. a one- to two-page paper proposal that outlined the topic and discussed at least three sources due on October 22, 2020;
 - b. a one-on-one meeting with Professor [Denis] to discuss the paper topic; and
 - c. a 3000-word paper due on December 7, 2020.
10. On October 22, 2020, the Student submitted her paper proposal.
11. In November 2020, the Student met with Professor Denis to discuss her paper.
12. On December 7, 2020, the Student submitted a copy of a paper titled "Impact of CEFR on the Education of Asian Countries".

13. Professor Denis was suspicious that the Student had not written the paper herself. Professor Denis initially noticed that the paper had a title page, which he had not requested in the individual paper instructions. Further, it appeared that the title page was a template that had sections where the Student should have filled in her name, institution affiliation, course, instructor name, and due date. Professor Denis also noticed that the vocabulary and language used in the paper was much more sophisticated than any other written work that the Student had submitted in the Course, including her paper proposal. Finally, none of the references that the Student cited in her paper proposal were included in the paper.
14. On December 22, 2020, the Student met with Professor Denis to discuss her paper. The matter was subsequently forwarded to the Dean's office.

B. Meeting with the Dean's Designate 15. On March 20, 2021, the Student met via Zoom with Charles Elkabas, the Dean's Designate for academic integrity. Jade Hazell, an Academic Integrity Assistant at the University, attended the meeting and took notes. The Student acknowledges that Professor Elkabas provided her with the required warnings under the Code.

16. During this meeting, the Student initially stated that she had asked her friend for advice on the paper, but that she wrote the paper herself. Professor Elkabas asked the Student several follow-up questions about the paper. The student provided incorrect definitions of several terms in her paper, including "native-speakerism", "multilingualism", and "communicative language teaching". Further, the Student could not explain several other terms in her paper, including "dramatic speed", "globalized world", "path of trial and error", and "knowledge-based" versus "competency-based" curriculums.

17. The meeting was then adjourned due to problems with the Internet connections.
18. On April 12, 2021, the Student met via Zoom again with Professor Elkabas. At the start of the meeting, Ms. Hazell stated that this meeting was to continue the discussion from April 7, 2021. Professor Elkabas asked the Student several follow-up questions about the paper. The Student could not define certain terms in her paper, and the Student stated that she had not carefully read or referenced several sources in her paper.
19. Professor Elkabas asked the Student whether she had purchased the paper. The Student initially denied but ultimately admitted that she purchased the paper.

C. Admissions and acknowledgements

21. The Student admits that she purchased the paper for \$150.
22. The Student admits that she did no meaningful academic work on the paper. The Student states that she is remorseful for her conduct.
23. The Student admits that in the paper 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.
24. 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 paper, contrary to section B.I.3(b) of the Code.

25. The Student acknowledges that she signed the ASF freely and voluntarily, knowing of the potential consequences she faces, and does so with the advice of counsel or having waived the right to obtain counsel.

Decision of the Tribunal on the Charges

14. The University must establish on a balance of probabilities through clear and convincing evidence that an academic offence has been committed by the Student.
15. In this case, the Tribunal finds that the Student committed an academic offence as set out in Charge #1 in that:

On or about December 7, 2020, the Student knowingly represented as her own an idea or expression of an idea, and/or the work of another in an essay titled "Impact of ECFR on the Education of Asian Countries," which she submitted in partial completion of the requirements of English Worldwide LIN357H5F, 2020(9) (the "Course"), contrary to section B.I.1(d) of the *Code*.

16. On the basis of both the Student's admission and the evidence submitted by the University, the Tribunal is satisfied that there is clear and convincing evidence that the Student did purchase an essay entitled "Impact of CEFR on the Education of Asian Countries" and knowingly submitted that essay, which contained no meaningful academic work of her own, for the purposes of obtaining academic credit and therefore committed the offence of as described in Charge #1.

The Evidence and Decision of the Tribunal Regarding Penalty

17. The Provost and the Student submit that, in all the circumstances of the case, the University Tribunal should impose the following sanctions:
 - (a) a final grade of zero in LIN357H5F, 2020(9);
 - (b) a suspension from the University for five years from the date the Tribunal makes its order; and
 - (c) a notation of the offence on her academic record and transcript for six years from the date the Tribunal makes its order.
18. A joint submission should only be disregarded by the Tribunal if it would be contrary to public policy or would bring the administration of justice into disrepute to follow it. No such concerns exist here.
19. The parties agree 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.
20. The offence committed by the Student is a serious one. This must be reflected in the penalty as has occurred here with the imposition of a five year suspension. Purchasing academic content should be seen to be and in fact deterred in the strongest possible terms.
21. The Student does not however have a prior record of offences and ultimately admitted the commission of the offence. Specific deterrence has in all likelihood

been achieved. These mitigating factors should also be reflected in the penalty as has occurred here as the University has not pursued an expulsion.

22. The Tribunal is satisfied that the University has pursued and proposed a penalty which appropriately reflects the *University of Toronto v. Mr. C. Case No. 1976/77-3, November 5, 1976* factors relevant to sentencing.
23. The joint submission is made on the basis of reference to other decisions of this Tribunal which have imposed similar sanctions for similar offences committed in similar circumstances.
24. Accordingly, the Tribunal made orders as follows:
 - (a) A final grade of zero in LIN357H5F, 2020(9);
 - (b) A suspension from the University for five years from the date the Tribunal makes its order; and
 - (c) A notation of the offence on the Student's academic record for six years from the date of the Tribunal's order.
25. The 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.

Dated at Toronto this 11th day of July, 2022

Original signed by:

Ms. Cheryl Woodin, Chair
On behalf of the Panel