

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on May 2, 2022,

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*

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

H [REDACTED] C [REDACTED]

REASONS FOR DECISION

Hearing Date: September 16, 2022, via Zoom

Members of the Panel:

Ira Parghi, Chair

Professor Paul Kingston, Faculty Panel Member

Lauren Membreno-Lepore, Student Panel Member

Appearances:

Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Arshia Harmani, Downtown Legal Services, for the Student

H [REDACTED] C [REDACTED]

Hearing Secretary:

Christopher Lang, Director, Office of Appeals, Discipline and Faculty Grievances

I. Introduction

1. The Trial Division of the University Tribunal was convened via videoconference on September 16, 2022 to consider charges brought against H■■■■ C■■■■ (the “Student”) by the University of Toronto (“the University”) pursuant to the *University of Toronto Code of Behavior on Academic Matters, 1995* (“the *Code*”) on May 2, 2022. The charges alleged that, on or about November 26, 2020, the Student knowingly represented as their own an idea or expression of an idea, and/or the work of another, in an essay submitted in course ANT253H1.
2. The charges were as follows:
 1. On or about November 26, 2020, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in an essay titled “Sexuality & Ideological Language Applications” (“Essay”) which you submitted in partial completion of the requirements of ANT253H1: Language & Society 2020(9) (the “Course”), contrary to section B.I.1(d) of the *Code*.
 2. In the alternative, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code* to obtain academic credit or other academic advantage of any kind in the Course in connection with your Essay, contrary to section B.I.3(b) of the *Code*.
3. The particulars for the charges were as follows:
 1. At all material times, you were a registered student in the University of Toronto Faculty of Arts & Science. In Fall 2020, you registered in the Course, which was taught by Professor Dylan Clark.
 2. One of the requirements of the Course was to submit an essay, which was worth 15% of your final grade in the Course.
 3. You submitted the Essay on November 26, 2020, to fulfil this requirement.
 4. You purchased the Essay from a third party and then knowingly submitted it in your name. You did no meaningful academic work on the Essay before you submitted it.
 5. You knowingly included the ideas, and/or the expression of ideas, and/or the words of another in the Essay you submitted.
 6. In the Essay that you submitted, 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.
 7. For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism.

II. Liability

4. The Provost of the University and the Student filed a joint Book of Documents (Re: Finding of Offence), which included an Agreed Statement of Facts (“ASF”) that was signed by the Student on September 6, 2022. The University and the Student agreed that each of the documents contained in the joint Book of Documents could be admitted into evidence before the Tribunal for all purposes, including for the truth of the document’s contents, without further need to prove the document, and that, 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.

5. The relevant facts in this matter, as set forth in the ASF, are reproduced here (with references to underlying documentation removed):

The Student's Academic history

The Student first registered as a student at the University of Toronto, Faculty of Arts & Science in Fall 2017. As of June 27, 2022 she had earned 20.0 credits with a cumulative GPA of 2.56.

The Course

In Fall 2020, the Student enrolled in ANT253H1: Language and Society (the "Course"), taught by Professor Dylan Clark.

The Course syllabus contained a section on plagiarism. It clearly stated that answers on exams and assignments must be a student's own work done independently. It advised students that Course essays were to be submitted to Quercus which would upload them to Turnitin.com.

Students in the Course were required to submit, among other assessments, a written assignment worth 15% of the Course mark. The assignment instructions contained a detailed section on plagiarism.

The Student submitted her assignment, called "Sexuality and Ideological Language Applications" on November 26, 2020 ("Essay"), through Turnitin.com. Turnitin flagged a similarity index of 31%. Twenty-seven percent of the matches identified by Turnitin were to other student papers submitted at other educational institutions.

Professor Clark suspected that the Student had purchased the Essay for a number of reasons, including:

- (a) its close match to papers submitted elsewhere by other students;
- (b) many citations were missing;
- (c) quotes that were referenced were not relevant to the content of the Essay;
- (d) although the Essay attempted a high-level analysis it demonstrated no understanding of the Course content; and
- (e) the Essay had almost nothing to do with linguistic anthropology or the assignment; rather, its discussion of the Bible and the Marquis de Sade was blatantly off topic.

The Student had a meeting through the exchange of emails with Professor Clark on December 8, 2020, after which Professor Clark forwarded the Student's file to Student Academic Integrity.

Dean's meeting

The Student attended a meeting with Arti Dhand, Dean's Designate, on August 10, 2021. The Student acknowledges that Prof. Dhand provided her with the required warnings under the Code. The Student admitted during the meeting that she had not written the Essay but rather had purchased it from an online source because she wanted a better grade. She admitted that by her actions in purchasing the Essay she committed academic misconduct in the Course.

Acknowledgements and admissions

The Student admits that she purchased the Essay from an online source, and that she did so to improve her grade in the Course.

The Student admits that she did no meaningful academic work on the Essay.

The Student admits that in the Essay 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 Essay, contrary to section B.I.3(b) of the Code.

The Student acknowledges that she is signing this 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.

6. The onus on the University was to establish on a balance of probabilities, through clear and convincing evidence, that the Student had committed an academic offence.
7. As noted above, the Student was charged under section B.I.1(d) of the Code with knowingly representing as her own an idea or expression of an idea, and/or the work of another. Additionally, the Student was charged, in the alternative, under section B.I.3(b) of the Code with knowingly engaging in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code to obtain academic credit or other academic advantage of any kind.
8. Upon review of the ASF (including the Student's admissions contained in the ASF) and the documents provided in the joint Book of Documents (Re: Finding of Offence), and upon hearing the submissions of counsel, the Tribunal was satisfied on the balance of probabilities that, in the Essay, the Student knowingly represented as her own an idea or expression of an idea, and/or the work of another. The Tribunal therefore accepted the Student's guilty plea in respect of the offence under section B.I.1(d) of the Code.
9. In light of the Tribunal's finding on this charge, the second charge, relating to other forms of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code contrary to section B.I.3(b) of the Code, was withdrawn by the University.

III. Penalty

10. The Provost of the University and the Student filed a Joint Book of Documents (Re: Sanction), which included a Joint Submission on Penalty ("JSP"). The JSP was signed by the Student on September 7, 2022. The JSP requested that the sanction in this matter be as follows:
 - a. a final grade of zero in the course ANT253H1 (2020(9));
 - b. The Student will be suspended from the University of Toronto for a period of four years from May 1, 2022 to April 30, 2026; and

- c. a notation of the sanction on her academic record and transcript for five years from the date of the Tribunal's order to April 30, 2027.
11. The JSP also indicated that the parties agree that it is appropriate for this case to be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University of Toronto newspapers, with the name of the Student withheld.
12. The JSP contained an acknowledgement from the Student that she had signed the JSP freely and voluntarily, knowing of the potential consequences she faced.
13. The Student provided affidavit evidence on the issue of penalty. The affidavit outlined various personal difficulties that the Student was experiencing at the time she committed the offence. These included the losses of both her and her father's jobs due to COVID, her parents' separation, and mental health issues for which she had sought care during the fall of 2020. In her affidavit, the Student acknowledged the wrongfulness of her actions and voiced regret and remorse for them. She further indicated that she has been and will continue to seek professional help for her mental health issues.
14. Both counsel for the University and counsel for the Student made oral submissions with respect to penalty.
15. When a JSP is filed, as here, the Tribunal is not bound to follow it when determining the sanction in the case before it. However, the case law is clear that a JSP should be disregarded by the Tribunal only where giving effect to the sanction would be contrary to the public interest or would bring the administration of justice into disrepute (*see, e.g., University of Toronto and Y.W.* (Case No. 1155, June 17, 2019), *University of Toronto and P.H.Q.* (Case No. 982, May 8, 2019)).
16. In the circumstances of this case, for the reasons outlined below, the Tribunal had no concern that proceeding in accordance with the JSP would be contrary to the public interest or bring the administration of justice into disrepute.
17. In support of the JSP, the Tribunal was directed by the parties to a number of prior decisions of the Tribunal. Some of these decisions involved students who had committed similar offences to the one in this case, but, unlike the Student, did not submit ASFs or JSPs or otherwise cooperate in the process. In all of these cases, expulsion was recommended (*e.g. University of Toronto and J.W.* (Case No. 1082, August 23, 2019), *University of Toronto and Z.Z.* (Case No. 862, August 23, 2016)). The Tribunal was also directed to cases that, like this one, involved students who had purchased essays, had no prior offences, and had submitted ASFs and JSPs. In these cases, the penalties were either somewhat more onerous than the one sought here (a suspension of five years rather than four, and a notation on the transcript for six years rather than five) (*e.g. University of Toronto and C.L.* (Case No. 1293, June 17, 2022), *University of Toronto and L.S.* (Case No. 1310, April 18, 2022)), or the same as the one sought here (*University of Toronto and S.G.* (Case No. 1092, March 1, 2022)). The Tribunal noted that the jurisprudence establishes a well-defined range of penalties for cases like this one, and determined that the JSP proposed here fell within that range.
18. The Tribunal also considered the principles and factors relevant to sanction as articulated in *University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5, 1976). The Tribunal determined that these factors supported the imposition of the JSP. In this regard, the Tribunal observed the following:
 - a. The offence is serious in nature and causes great detriment to the University and its students. A number of Tribunal decisions (*e.g. University of Toronto and Y.G.* (Case No.

802, September 28, 2015) have observed that plagiarism corrodes academic integrity at the University and undermines the relationship of trust between the University and its students. For these reasons, plagiarism is considered in the cases to be a very serious offence that warrants a serious penalty.

- b. There is a strong need to deter others from committing a similar offence, for many of the reasons noted above. This type of offence poses a grave threat to the integrity of the University's processes for evaluating students, is profoundly unfair to other students, and jeopardizes the University's reputation.
 - c. At the time she committed the offence, the Student was experiencing mental health issues and several personal and family challenges, some of which were brought on or exacerbated by the COVID pandemic. The Student had sought professional help for her mental health issues but had discontinued her medication prior to starting the course.
 - d. The Student pleaded guilty early on in the process (at the Dean's meeting), thus demonstrating insight into her behaviour and remorse for her actions. Her affidavit evidence underscored her wish to take responsibility for her actions and her regret and remorse for them. It also indicated that she has been seeking professional help for her mental health issues and will continue to do so.
19. The Tribunal was satisfied that these various factors were appropriately reflected in the JSP and that, in all of the circumstances, the appropriate penalty was the one submitted by the parties in the JSP.

IV. Order

20. At the conclusion of the hearing, the Tribunal made the following order:

THAT Ms. [REDACTED] is guilty of one count of plagiarism, contrary to section B.1.1(d) of the Code.

THAT the following sanctions shall be imposed on Ms. C [REDACTED]:

- (a) a final grade of zero in the course ANT253H1 (2020(9));
- (b) a suspension from the University of Toronto for a period of four years from May 1, 2022 to April 30, 2026; and
- (c) a notation of the sanction on her academic record and transcript for five years from the date of the Tribunal's order to April 30, 2027.

THAT this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the name of the student withheld.

Dated at Toronto, this 27th day of October, 2022.

Original signed by:

Ira Parghi, Chair
On behalf of the Panel