

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty 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 amended S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

– AND –

S [REDACTED] Y [REDACTED]

Hearing Date: August 16, 2022, via Zoom

Members of the Panel:

Mr. Dean F. Embry, Chair

Professor Georges Farhat, Faculty Panel Member

Ms. Serena Ju, Student Panel Member

Appearances:

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

Ms. S [REDACTED] Y [REDACTED]

Hearing Secretary:

Ms. Carmelle Salomon-Labbé, Associate Director, Office of Appeal, Discipline and Faculty Grievances

I. CHARGES

1. The Trial Division of the Tribunal held a hearing on August 16, 2022, to address the following charges brought by the University of Toronto (the “University”) against S [REDACTED] Y [REDACTED] (the “Student”) under the *Code of Behaviour on Academic Matters* (the “Code”):
 1. On or about November 13, 2019 you knowingly represented as your 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 you 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*.
 2. On or about November 13, 2019, you knowingly obtained unauthorized assistance in connection with the Assignment that you submitted in partial completion of the requirements for the Course contrary to section B.I.1(b) of the *Code*.
 3. In the alternative, you 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 you 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*.

II. SUMMARY OF FACTS/PARTICULARS

2. The Panel received a Book of Documents re: Finding of Offence containing, among other documents, an Executed Agreed Statement of Facts (“ASF”) executed on July 19, 2022, by the Student and July 20, 2022, by Ms. Harmer for the University.
3. The ASF contains agreed facts regarding procedural issues, the Student’s academic history and details regarding a related matter.
4. As they relate to the offences to be considered by the panel, the ASF sets out the following facts.
5. In the Fall 2019 academic term, the Student was enrolled in HLTB16H3: Introduction to Public Health. Common academic offences, including plagiarism and obtaining

unauthorized assistance on an assignment and the importance of avoiding such offences were reviewed both in the course syllabus and the first tutorial.

6. One of the requirements of the course was an assignment that saw students produce a report on a recent health crisis or issue. This assignment was worth 20% of the course grade and was to be submitted through turnitin.com.
7. The Student submitted her report, titled “Ebola in the Democratic Republic of Congo” on November 13, 2019. On December 2, 2019, another student in the course submitted his Assignment, also titled “Ebola in the Democratic Republic of Congo”. Turnitin flagged this student’s assignment as 39% similar to the Student’s assignment.
8. The Course instructor, Professor Brown, examined the assignments submitted by both students and found several areas of similarity between the two with portions being the same save for minor changes of phrase that did not affect the meaning.
9. Professor Brown reached out to the Student to schedule a meeting to discuss the assignment. The Student inquired as to what the meeting was about and Professor Brown explained that she had concerns about the assignment. Although the Student initially scheduled the meeting to take place on December 5, 2019, and then rescheduled it to December 6, 2019, the Student did not attend the meeting, and the matter was referred to the Office of Academic Integrity.
10. On June 4, 2020, the Student met with the Dean’s Designate. According to the Executed ASF, at that meeting:

[The Student] admitted that she had received unauthorized assistance for her Assignment. She explained in the time leading up to the Assignment’s due date that she was struggling with her mental health. [The Student] said that she had felt incapable of completing the Assignment and reached out to a person named “Leo” through an internet messaging application in order to purchase a version of the completed assignment. [The Student] advised that she paid \$50 for the completed assignment.

III. POSITIONS OF THE PARTIES

11. The positions of the parties are summarized in the Executed ASF under the heading “Admissions”:

19. [The Student] admits that she knowingly purchased unauthorized assistance for the entirety of her Assignment from an individual who provided an essay writing service.
20. [The Student] admits that in paying a third party to write her Assignment she 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 her own, committing 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.

IV. FINDINGS OF THE PANEL

12. Given the contents of the Executed ASF as well as the supporting documentation referred to therein the Panel finds that there are grounds to make a finding of guilt in relation to all three counts faced by the Student.
13. That said, it was jointly submitted by the parties that the Panel ought only make a finding of guilt in relation to count 2: knowingly obtaining unauthorized assistance, contrary to section B.1.1(b) of the *Code*.
14. Pursuant to the joint submission of the parties the Panel finds the Student guilty of count 2.

V. SANCTION

15. The Panel received an Executed Joint Submission on Penalty (“JSP”). As with the ASF, the JSP was signed on July 19, 2022, by the Student and July 20, 2022, by Ms. Harmer. The JSP is succinct and indicates:
 2. The Provost and [the Student] submit that, in all the circumstances of his case, it is appropriate that the University Tribunal impose the following sanctions:

- (a) a final grade of zero in the course HLTB16H3 in Fall 2019;
 - (b) [The Student] will be suspended from the University of Toronto for a period of four years from August 31, 2022 to August 30, 2026; 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 August 30, 2027.
3. 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.
16. Ms. Harmer took the Panel through a collection of cases which demonstrate that the proposed penalty was within the range of penalties imposed in similar cases when one considers factors such as the offence in question, whether the Student had previously been found guilty of an academic offence, the student's participation in the process and whether or not there was an ASF and JSP.
17. While the offence in question is a serious one, the Student's participation in the process, including the entering into an ASF and JSP, is a mitigating factor. The fact that this is a first offence for the Student is a further factor which mitigates penalty.
18. The Student made submissions on penalty outlining her personal circumstances. The Student initially made a plea for further leniency from the Panel and was reminded that although she was free to resile from the joint position on penalty doing so would entitle the Provost to revisit their position on penalty which could result in a request for and possible imposition of a higher penalty. The Student clarified that she wished to maintain the joint position on penalty. The Panel finds that the Student's request for a more lenient penalty was simply the expression of a student in a difficult situation and not a genuine attempt to resile from the joint submissions.
19. In all the circumstances the panel finds that the joint position on penalty is an appropriate one and therefore adopts that position.

VI. ORDER OF THE PANEL

20. At the conclusion of the hearing, the Panel conferred and made the following order:

1. THAT [the Student] is guilty of one count of knowingly obtaining unauthorized assistance contrary to section B.I.1(b) of the *Code*.
2. **THAT** the following sanctions shall be imposed on [the Student]:
 - 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 August 31, 2022, to August 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 August 30, 2027.
3. **THAT** this case 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, November 30, 2022

Original signed by:

Dean Embry, Chair
On behalf of the Panel