

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on March 2, 2023 and October 12, 2023,

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters*, 2019,

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 -

M [REDACTED] D [REDACTED]

REASONS FOR DECISION

Hearing Date: June 12, 2024, via Zoom

Members of the Panel:

Christopher Wirth, Chair

Professor Susanna Chow, Faculty Panel Member

Ryan Cortez, Student Panel Member

Appearances:

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

Hearing Secretary:

Carmelle Salomon-Labbé, Associate Director, Office of Appeals, Discipline and Faculty Grievances

In Attendance:

M [REDACTED] D [REDACTED]

Charges and Particulars

1. A Panel of the Trial Division of the University Tribunal was convened on June 12, 2024, by videoconference to consider two sets of charges brought by the University of Toronto (the “University”) against M■■■■ D■■■ (the “Student”) under the University’s *Code of Behaviour on Academic Matters, 2019* (the “Code”). The charges alleged against the Student as filed by the Provost on March 2, 2023 are as follows:

1. On or about April 11, 2022, you knowingly represented as your own an idea or expression of an idea or work of another in a paper in SMC196H1S, contrary to section B.I.1(d) of the *Code*.
2. On or about April 11, 2022, you knowingly used or possessed an unauthorized aid or aids or obtained and/or provided unauthorized assistance in connection with a paper in SMC196H1S, contrary to section B.I.1(b) of the *Code*.
3. In the alternative, on or about April 11, 2022, 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 connection with a paper in SMC196H1S, contrary to section B.I.3(b) of the *Code*.

2. The particulars related to charges 1, 2 and 3 are as follows:

1. You were a student enrolled at the University of Toronto, Faculty of Arts & Science at all material times.
2. In Winter 2022, you enrolled in SMC196H1S: God & the Poets: Lyric Form in the Christian Tradition, which was taught by Professor Stephen Tardif.
3. Students in the course were required to write a draft term paper (worth 15%) and a final term paper (worth 30%). Students were prohibited from plagiarizing and/or obtaining assistance from others in connection with the term papers.
4. On or about April 11, 2022, you submitted the same paper for both the draft term paper and the final term paper (the “Paper”).
5. You submitted the Paper:

- (a) to obtain academic credit;
 - (b) knowing that it contained ideas, expressions of ideas or work that were not your own, but were the ideas, expressions of ideas or work of others, including but not limited to:
 - (i) the author(s) of <https://poemanalysis.com/thomas-gray/elegy-written-in-a-country-churchyard/> (“Poem Analysis”);
 - (ii) englishbook357@gmail.com;
 - (iii) Hazma; and
 - (c) knowing that you did not properly reference the ideas, expressions of ideas or work that you drew from Poem Analysis, englishbook357@gmail.com, Hazma, or others.
 - 6. You knowingly obtained unauthorized assistance from Poem Analysis, englishbook357@gmail.com, Hazma, or others in connection with the Paper.
 - 7. You knowingly submitted the Paper with the intention that the University of Toronto rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.
3. Assistant Discipline Counsel advised the Panel that if a finding of guilt was made for Charges 1 and 2, the Provost would then withdraw Charge 3.
4. The charges alleged against the Student as filed by the Provost on October 12, 2023 are as follows:
- 1. In or about April 2023, May 2023, or June 2023, you knowingly obtained unauthorized assistance in connection with the final exam in POL101, contrary to section B.I.1(b) of the *Code*.
 - 2. On or about June 29, 2023, you knowingly used or possessed an unauthorized aid or aids or obtained and/or provided unauthorized assistance in connection with the final exam in POL101, contrary to section B.I.1(b) of the *Code*.

3. In the alternative, on or about June 29, 2023, you knowingly represented as your own an idea or expression of an idea or work of another in the final exam in POL101, contrary to section B.I.1(d) of the *Code*.
4. In the alternative to charges #1, #2, and/or #3, 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 connection with the final exam in POL101, contrary to section B.I.3(b) of the *Code*.
5. The particulars related to charges 1, 2, 3 and 4 are as follows:
 1. You were a student enrolled at the University of Toronto, Faculty of Arts & Science at all material times.
 2. In Winter 2022, you enrolled in POL101: The Real World of Politics, which was taught by Professor Courtney Jung.
 3. Students in the course were required to write a final exam, which was worth 40% of their final grade. Students were prohibited from using or possessing any aids and/or obtaining assistance on the final exam.
 4. The original final exam was administered in person in April 2023 (the “Original Exam”).
 5. You did not write the Original Exam.
 6. A deferred final exam was administered in person in June 2023 (the “Deferred Exam”).
 7. The Original Exam contained one or questions that were different than the questions on the Deferred Exam.
 8. On or about June 29, 2023, you wrote the Deferred Exam.
 9. You wrote one or more answers that were responsive to a question or questions on the Original Exam that were not responsive to questions on the Deferred Exam.
 10. Students who wrote the Deferred Exam were not allowed to communicate with others about the Original Exam.

11. You knowingly communicated with others about the Original Exam prior to and/or during the Deferred Exam.
 12. You used and/or possessed an aid or aids, including but not limited to a cellphone, during the Deferred Exam.
 13. You knew or ought to have known that you were not permitted to use and/or possess an aid or aids, including but not limited to a cellphone, during the Deferred Exam.
 14. You wrote the Deferred Exam:
 - (a) to obtain academic credit;
 - (b) knowing that it contained ideas, expressions of ideas or work that were not your own, but were the ideas, expressions of ideas or work of others; and
 - (c) knowing that you did not properly reference the ideas, expressions of ideas or work that you drew from others.
 15. You knowingly submitted the Deferred Exam with the intention that the University rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.
6. Assistant Discipline Counsel advised the Panel that if a finding of guilt was made for Charges 1 and 2, the Provost would then withdraw Charges 3 and 4.

The Student's Position

7. The Student attended the hearing and entered into an Agreed Statement of Facts ("ASF") with the University.

The Evidence

8. The ASF entered into by the University and the Student provides as follows:
 1. For the purposes of this hearing under the *Code of Behaviour on Academic Matters* ("Code"), the Provost of the University of Toronto (the "Provost") and M█████ D█████ (the "Student") have prepared this Agreed Statement of Facts ("ASF"). The Provost and the Student agree that:

- (a) each document contained in the ASF may 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
- (b) 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.

2. This hearing arises out of charges of academic misconduct filed by the Provost on March 2, 2023 ("Initial Charges") and October 12, 2023 ("Additional Charges") (together, "Charges"). A copy of the Charges is attached to the ASF at **Tab A**.

3. The Student acknowledges that he received a copy of the Charges, waives the reading of the Charges, and pleads guilty to all Charges.

4. The Provost agrees that if the Tribunal returns a conviction on charges 1 and 2 of the Initial Charges, the Provost will withdraw the alternative charge 3.

5. The Provost agrees that if the Tribunal returns a conviction on charges 1 and 2 of the Additional Charges, the Provost will withdraw the alternative charges 3 and 4.

6. The Student admits that he received a copy of the Notice of Virtual Hearing in this matter and that he has received reasonable notice of this hearing. A copy of the Notice of Virtual Hearing in this proceeding is attached to the ASF at **Tab B**.

A. *The Student's academic history*

7. The Student first registered as a student at the University of Toronto Faculty of Arts and Science ("FAS") in Fall 2021. As of May 24, 2024, the Student had earned 6 credits and a cumulative GPA of 1.62. He was last enrolled in courses in Winter 2023. A copy of the Student's academic record, dated May 24, 2024, is attached to the ASF at **Tab C**.

B. *SMC196*

8. In Winter 2022, the Student enrolled in SMC196H1S: God & the Poets: Lyric Form in the Christian Tradition ("SMC196"), which was taught by Professor Stephen Tardif.

9. The SMC196 syllabus included a section on plagiarism and academic dishonesty. Students were directed to the University of Toronto's Writing Advice website, which includes a range of

guides such as “How Not to Plagiarize”, “Using Quotations”, and “Paraphrase and Summary”. Students were also instructed to review the definitions and penalties for plagiarism and academic dishonesty in the University’s *Code*. A copy of the SMC196 syllabus is attached to the ASF at **Tab D**.

10. Students in SMC196 were evaluated on the basis of, among other things, a term paper worth 45% of the final grade.

11. In order to complete the term paper, students were required to select two poems to compare and contrast. These poems were to be poems from the SMC196 textbook or ones that had otherwise been assigned over the semester. While students were permitted to request to compare other poems, this required permission.

12. The term paper was to be submitted and evaluated in two stages. First, students were asked to submit a proposal and outline of their term paper by April 1, 2022. This was worth 15% of the final grade. The proposal and outline was intended to be a draft of the final paper. Professor Tardif suggested a length of 500-750 words, which should contain at least two full paragraphs, but otherwise could be in point form.

13. Second, students were asked to submit a final version of their term paper by April 14, 2022 which was expected to be “a finished, polished, and proof-read version of the same paper that incorporates feedback from the instructor given at the previous stage.” This was worth 30% of the final grade. The suggested length for the final paper was 1250-1500 words (or 5-6 pages). A copy of the instructions for the term paper is attached to the ASF at **Tab E**.

14. The Student did not submit a proposal and outline by the April 1 deadline. Instead, on April 11, 2022, he submitted a single document titled “Term Paper” for both stages of the assignment. The paper was submitted in Word format. A copy of the Student’s paper is attached to the ASF at **Tab F**.

1. Professor Tardif’s Review

15. When grading the Student’s paper, Professor Tardif opened the document properties. The author field of the document properties listed the name “Hamza”. The properties also indicated that the paper had been both created and last modified at the same time, April 11, 2022 at 3:41 p.m., by “englishbook357@gmail.com”. A copy of the document properties of the Student’s paper is attached to the ASF at **Tab G**.

16. In addition to the document properties, Professor Tardif's review of the paper left him suspicious that the Student had not completed the paper independently, as required, for the following reasons:

- (a) while the paper discusses two different poems, it is not a comparative essay. Rather, the paper begins by discussing Thomas Gray's poem "Sonnet on the Death of Mr Richard West", followed by a separate discussion of Gray's "Elegy Written in a Country Churchyard". The last one and a half pages of the paper is titled "Arguments" and uses at least one example of comparative language; namely, "on the other hand". However, the content of this section, and the paper as a whole, does not actually compare the two poems;
- (b) the paper cites five scholarly texts (in addition to one of the two poems), none of which were discussed in SMC196. Students were not expected to conduct any outside research for the paper or the course generally. All of the cited sources are obscure and the most recent was published in 1984; and
- (c) the paper contains several instances of strange language. For example, in the discussion of "Elegy Written in a Country Churchyard", the paper includes the following language:

Whether you are wealthy or poor, you should die. Furthermore, no one is immune to death. Everyone is fair in mortality. Furthermore, no quantity of wealth or fame can return the back from the deceased. Even the impoverished deserve to be remembered when they die. They might have made great men in their era if gets the opportunity.

17. Professor Tardif suspected that the paper had been passed through a plagiarism detection website or otherwise modified to avoid being flagged for plagiarism.

18. In order to confirm his suspicions, Professor Tardif did an internet search for analyses of the Thomas Gray poems discussed in the paper. He found the website poemanalysis.com ("Poem Analysis") which provides guides to various well-known poems. The Poem Analysis page on "Elegy Written in a Country Churchyard" is attached to the ASF at **Tab H**.

19. The page for "Elegy Written in a Country Churchyard" contains language, content, and structure that is very similar to the language, content, and structure in the Student's paper, with

certain words substituted and rearranged. For example, the following are excerpts from Poem Analysis and the Student's paper:

Poem Analysis	Student's paper
The poem, ' <i>Elegy Written in a Country Churchyard</i> ', speaks of ordinary people. It is an elegy for poor villagers. They are not famous but they are honest. So, the poet has written this poem to honor them. The poem talks about death as an equalizer. Rich or poor should end in death. Moreover, no man can escape death. In death, all are equal. Besides, nothing including any amount of rich or glory can bring the dead to life. Even poor people deserve respect for their death. Given opportunities, they would have become great men in their times.	"Elegy Written in a Country Churchyard" is poetry about common folk. It's a lament for the underprivileged folks. They are not well-known, yet they are trustworthy. As a result, the writer has penned this poem in their honour. Mortality is described as an equaliser in the poem. Whether you are wealthy or poor, you should die. Furthermore, no one is immune to death. Everyone is fair in mortality. Furthermore, no quantity of wealth or fame can return the back from the deceased. Even the impoverished deserve to be remembered when they die. They might have made great men in their era if gets the opportunity.

20. Professor Tardif concluded that the paper was likely a type of "mosaic plagiarism" designed to avoid detection. The paper does not cite Poem Analysis as a source.

21. Professor Tardif scheduled a meeting with the Student to discuss his concerns but the Student did not attend and, ultimately, no instructor meeting was held.

22. Professor Tardif referred the matter to the Office of the Principal at St. Michael's College for further action. A copy of his report, dated May 20, 2022, is attached to the ASF at **Tab I**.

2. Contact with English Book

23. On June 29, 2023, William Webb, a lawyer at Paliare Roland, emailed englishbook357@gmail.com—the email address in the document properties of the Student's paper ("English Book")—and asked: "I am wondering whether you provide essay writing services and, if so, how much you charge per essay."

24. English Book responded on July 6, 2023 with the following: “Yes, I do. My per rate depend upon assignments but roughly 1.7 or 2 per word”.
25. Mr. Webb asked how much English Book would charge for a first-year university English essay of 1,500 words and whether English Book accepted PayPal or e-transfer.
26. English Book responded: “How much are you willing to pay? No I have payoneer, bank account, jazzcash and easypaisa”.
27. Mr. Webb asked whether English Book would charge the 1.7 dollar per word rate for an essay like he had described and to know what the typical rate for an essay like that would be.
28. English Book responded: “Yes, I can do it because it will our first task together so I can do it”.
29. Mr. Webb asked whether English Book guaranteed a certain grade or mark.
30. English Book wrote: “Yes, I will try my best but no one can guarantee anything we can only try our 100% best to get good marks.” A copy of the email exchange between Mr. Webb and English Book is attached to the ASF at **Tab J**.

C. POL101

31. In Winter 2023, the Student enrolled in POL101H1: The Real World of Politics (“POL101”), which was taught by Professor Courtney Jung.
32. The POL101 syllabus reminded students that cheating and plagiarism were serious academic offences. A copy of the POL101 syllabus is attached to the ASF at **Tab K**.
33. Students in POL101 were evaluated on the basis of, among other things, a final exam worth 40% of the final grade in the course.

1. Cellphone possession and use

34. The Student wrote a deferred final exam for POL101. This exam took place on June 29, 2023, between 9 and 11 a.m.

35. At the start of the exam, the Chief Presiding Officer (“CPO”) read a standard announcement that included a reminder that students were required to turn off all electronic devices, such as cell phones, and place them in their bags.

36. The exam started at or around 9:41 a.m.

37. The front cover of the exam booklet stated “Aids Allowed: No Aids” in large text. There was also a list of exam reminders including the following bullet points:

- As a student, you help create a fair and inclusive writing environment. If you possess an unauthorized aid during an exam, you may be charged with an academic offence.
- Turn off and place all cell phones, smart watches, electronic devices, and unauthorized study materials in your bag under your desk. If it is left in your pocket, it may be an academic offence.

A copy of the front page of the Student’s exam booklet is attached to the ASF at **Tab L**.

38. Around 40 minutes into the exam, at about 10:20 a.m., the Student raised his hand and asked to go to the washroom. The CPO escorted the Student to the entrance to the washroom, but did not go into the room with him. The Student came out of the washroom a few minutes later and was escorted back to the exam room.

39. At 11:09 a.m., the Student asked to go to the washroom again.

40. During this visit, the CPO entered the washroom with the Student.

41. The Student went to the stall in the back of the room. From where the CPO was standing, he could see that the Student was facing the toilet, but standing near the stall door.

42. After standing inside the stall near the door for about 30 seconds, the Student came out of the stall. Based on where he had been standing and the short period of time that he was in the stall, the CPO suspected that he had been using his phone.

43. The CPO asked the Student whether he had anything in his pocket. As he was asking the question, the CPO noticed that there was an outline of what appeared to be a phone visible in the pocket of his pants. The Student denied that there was anything in his pocket.

44. The CPO repeated his question and said that if he asked him to clear his right pocket, there should not be a phone in it. The Student said that he did not have his phone on. However, he eventually pulled a phone from his pocket. The phone was turned on.

45. The CPO escorted the Student back to his desk. Once he was seated, he told the Student that he needed to confiscate his phone and asked him to put it under his desk. The Student did so and continued writing the exam until the end of the allotted time.

46. At the end of the exam, the CPO asked the Student to stay behind and sign a declaration form acknowledging that he had possessed a phone during the exam. The Student signed the form and left. A copy of the Possession of an Unauthorized Aid During a Final Exam, signed by the Student on June 29, 2023, is attached to the ASF at **Tab M**.

47. Following the exam, the CPO filed a report of his observations with the Exams Office, a copy of which, dated June 29, 2023, is attached to the ASF at **Tab N**.

2. Deferred exam

48. The regular exam for POL101 took place during the April 2023 exam period. Students who applied for and were granted a deferred exam did not write the April 2023 exam. Instead, they wrote a deferred exam that took place in June 2023.

49. On April 26, 2023, Mr. D■■ was granted a deferred exam for POL101. As a result, he did not write the regular exam for POL101. Students who wrote the deferred exam were not permitted to communicate with students who had written the regular exam.

50. Professors at the University have the option of making their past exams “restricted”. This means that following the exam, the exam questions are not filed to the exam repository that students may access for studying purposes. Professor Jung’s exams are restricted, meaning that no student who writes a POL101 exam should have access to previous exams written by Professor Jung for the course.

51. Students writing the regular April POL101 exam were given two essay questions to answer. The second question asked why people participate in social movements. In answering this question, students were directed to address the following sub-questions: (i) why rational choice theorists believe rational people will choose not to participate in politics; (ii) why people nevertheless participate in politics according to Scholzman, Verba, and Brady; and (iii) whether the reasons of

Schlozman, Verba, and Brady explain how people participate in a specific social movement of the student's choice and, if not, what does explain their participation. A copy of the regular exam is attached to the ASF at **Tab O**.

52. The deferred exam contained three essay questions. These questions were all different from the questions on the regular exam. The first question asked students to explain Kaplan's argument that literacy is an important precondition for democracy and Professor Jung's critique of this argument, and to introduce and critique another one of Kaplan's preconditions for democracy. A copy of the deferred exam is attached to the ASF at **Tab P**.

53. When grading the Student's exam, Professor Jung noticed that his answer to the first question did not respond to the question that he was asked. Instead of explaining Kaplan's preconditions for democracy, as expected, the Student explained why rational choice theorists assert that few people voluntarily take part in politics and Schlozman, Verba, and Brady's account of political participation. These were the sub-questions that students who wrote the regular exam for POL101 were asked to answer in question two.

54. The Student's answers to the second and third questions on the exam were responsive to the questions that were asked on the deferred exam. However, in Professor Jung's view, the quality of the answers to the second and third questions was significantly lower than the Student's answer to the first question. A copy of the Student's exam is attached to the ASF at **Tab Q**.

55. Due to the fact that the Student appeared to have answered a question from the regular exam rather than the deferred exam and the difference in quality to his other exam answers, Professor Jung suspected that the Student had gotten access to the questions from the regular exam and pre-written an answer that he used on the deferred exam. She referred the matter to the FAS Student Academic Integrity Office for further action. A copy of Professor Jung's report, dated August 16, 2023, is attached to the ASF at **Tab R**.

Acknowledgments and admissions

56. In respect of the SMC196 paper, the Student admits that:

- (a) he purchased the paper from an online source, and that he did so to improve his grade in SMC196;
- (b) he paid \$100 in order to purchase the paper; and

- (c) he did no meaningful academic work on the paper.

57. The Student further admits that in the SMC196 paper, he knew or ought to have known that:

- (a) he was representing the ideas of another author, the expression of the ideas of the author, and the work of the author as his own;
- (b) he was committing plagiarism contrary to section B.I.1(d) of the *Code*;
- (c) he was required to complete the paper independently;
- (d) he was obtaining unauthorized assistance by paying an online service to write his paper for him and that this was contrary to section B.I.1(b) of the *Code*; and
- (e) he 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 connection with the paper, contrary to section B.I.3(b) of the *Code*.

58. In respect of the POL101 exam, the Student admits that:

- (a) he ignored the instructions to turn his cell phone off and place it in his bag and instead used his cell phone during the exam;
- (b) he communicated with others about the April exam for POL101 prior to the deferred exam; and
- (c) he did the above acts to improve his grade in POL101.

59. The Student further admits that in the POL101 exam, he knew or ought to have known that:

- (a) he was not permitted to possess or use a cell phone or any other aids during the POL101 exam;
- (b) he used and possessed an unauthorized aid, namely, his cell phone, during the POL101 exam, contrary to section B.I.1(b) of the *Code*;

- (c) he was not permitted to communicate with others about the contents of the April POL101 exam;
- (d) he obtained unauthorized assistance in connection with the POL101 exam, contrary to section B.I.1(b) of the *Code*; and
- (e) he 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 POL101 exam, contrary to section B.I.3(b) of the *Code*.

60. The Student acknowledges that he is signing this ASF freely and voluntarily, knowing of the potential consequences he faces, and does so with the advice of counsel or having waived the right to obtain counsel.

61. The Student acknowledges that the Provost has made no representations to him regarding what penalty the Provost will seek in this proceeding.

University's Submissions

9. Assistant Discipline Counsel submitted that the evidence as set out in the ASF clearly established that the Student committed the academic offences as alleged.

The Student's Submissions

10. The Student did not have any substantive submissions.

Standard of Proof

11. The onus is on the University to establish, based upon clear and convincing evidence on a balance of probabilities, that the academic offences charged have been committed.

Decision of the Tribunal

12. Based on the evidence and the submissions by counsel for the University and by the Student, the Student was found guilty of:

- (a) one count of knowingly representing as one's own any idea or expression of an idea or work of another in an academic examination or term test or in connection with any other form of academic work, contrary to section B.I.1(d) of the Code;
 - (b) two counts of using or possessing an unauthorized aid or obtaining or providing unauthorized assistance in connection with an academic examination or term test or in connection with any other form of academic work, contrary to section B.I.1(b) of the Code;
13. Given this finding, the University withdrew Charges 2 and 3 from the charges filed on March 2, 2023, and Charges 3 and 4 from the charges filed on October 12, 2023.

Reasons for Decision

14. The Panel was satisfied on a balance of probabilities that the evidence submitted before it as set out in the ASF above including the Student's admissions, clearly established that in the Winter of 2022, the Student, a registered student at the University, was enrolled in SMC196H1S and submitted a document entitled Term Paper (the "Term Paper") as an assignment in this course. The Student was also enrolled in POL101H1 in the Winter of 2023 and wrote a deferred final exam (the "Deferred Exam") on June 29, 2023.
15. The Panel was also satisfied based upon the evidence before it, as detailed above, that the Term Paper clearly contained content which was not the Student's own idea or expression of an idea and was in fact the work of another. The Panel was also satisfied based upon the evidence before it, as detailed above, that during the Deferred Exam the Student knowingly had in his possession an unauthorized aid in the form of a cellphone and used it to communicate with others about the content of the POL101H1 Deferred Exam.
16. Accordingly, the Panel was satisfied on a balance of probabilities that the Student committed the academic offence of knowingly submitting academic work in SMC196H1S in the form of a Term Paper containing an idea or expression of an idea or work of another, which he knowingly represented as his own, contrary to section B.I.1(d) of the Code as alleged in Charge 1 filed by the Provost on March 2, 2023. The Panel was also satisfied on a balance of probabilities that the Student knowingly had in his possession a cellphone

during the Deferred Exam which he used to communicate to others about the content of the POL101H1 Deferred Exam, and as such, had committed the academic offences charged, namely that he used or possessed an unauthorized aid or obtained unauthorized assistance in connection with an academic examination, namely the Deferred Exam in POL101H1 on June 29, 2023, contrary to section B.I.1(b) of the Code as alleged in Charges 1 and 2 filed by the Provost on October 12, 2023.

Sanction

17. The University and the Student had entered into a Joint Submission on Penalty (“JSP”) which provides as follows:

1. For the purposes of this hearing under the *Code of Behaviour on Academic Matters* (“Code”), the Provost of the University of Toronto (the “Provost”) and M█████ D█████ (the “Student”) have prepared this Joint Submission on Penalty (“JSP”).

Joint Submission on Penalty

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 on the Student:

- (a) a final grade of zero in the course SMC196H1S in Winter 2022;
- (b) a final grade of zero in the course POL101H1 in Winter 2023;
- (c) the Student will be suspended from the University for a period of 5 years from the date of the Tribunal’s order; and
- (d) this sanction will be recorded on the Student’s academic record and transcript for a period of 6 years from the date of the Tribunal’s order.

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, with the name of the Student withheld.

Agreement and Undertaking

4. The Student agrees and undertakes that, going forward, including after the completion of his suspension, he will not register for any courses at the University of Toronto and/or apply for admission to any programs at the University of Toronto.

5. The Parties agree that the Student's agreement and undertaking at paragraph 4 forms an essential part of this Joint Submission on Penalty and that the Provost would not have entered into the Joint Submission on Penalty but for that agreement and undertaking.

Acknowledgements

6. The Student acknowledges that:

- (a) the Provost has advised him of his right to obtain legal counsel and that he has obtained such counsel or waived the right to do so; and
- (b) he is signing this JSP freely and voluntarily, knowing of the potential consequences he faces.

The University's Submissions

18. Assistant Discipline Counsel provided the Panel with a Book of Documents (Re: Sanction) containing a number of prior decisions of this Tribunal and a chart summarizing the sanctions imposed by them, although previous decisions of this Tribunal are not binding, and reviewed with the Panel the Provost's guide on penalty which provides guidelines for consistency so that students may know what to expect in similar circumstances.
19. In that regard, pursuant to the Provost's guidelines, where there has been a prior offence the Provost would have normally sought expulsion of the Student, however, as the offences here are concurrent ones, the Student has cooperated, entered into an ASF and JSP and has provided an undertaking not to register and/or apply for admission to any programs at the University, Assistant Discipline Counsel submitted that the JSP was appropriate in the circumstances.

20. Assistant Discipline Counsel then reviewed with the Panel the principles relative to the JSP.
21. Assistant Discipline Counsel also reviewed with the Panel in detail several of the prior decisions of this Tribunal to demonstrate that the proposed penalty contained in the JSP was consistent with decisions of this Tribunal in similar circumstances.

The Student's Submissions

22. The Student did not have any substantive submissions.

Sanction Decision

23. After deliberations, the Panel ordered that the following sanctions shall be imposed on the Student:
 - (a) A final grade of zero in:
 - (i) SMC196H1S in Winter 2022; and
 - (ii) POL101H1 in Winter 2023;
 - (b) A suspension from the University for five years from the date of the Order;
 - (c) A notation of the sanction on the Student's academic record and transcript for six years from the date of the Order; and
 - (d) 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.
24. An Order was signed by the Panel to this effect.

Reasons for Sanction

25. The Panel considered the submissions of Assistant Discipline Counsel and the Student and considered the prior decisions of this Tribunal involving similar misconduct and the sanctions imposed. However, the Panel remained cognizant of the fact that no two cases

are identical and that it is not bound by past decisions of this Tribunal. However, the Tribunal does try to develop a consistent body of cases so that students are treated fairly and consistently in similar circumstances.

26. As the parties had negotiated and entered into a JSP, the Panel was required to accept the JSP unless to do so would bring the administration of justice into disrepute or would be contrary to the public interest. As such, the Panel was satisfied that it was appropriate to accept the JSP, as the penalty contained therein was within the reasonable range of penalty established by prior decisions of this Tribunal.

Dated at Toronto, this 22nd day of August 2024

Original signed by:

Christopher Wirth, Chair
On behalf of the Panel