

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on May 3, 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 am. S.O. 1978, c. 88

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

T [REDACTED] P [REDACTED]

REASONS FOR DECISION

Hearing Date: May 28, 2024, via Zoom

Members of the Panel:

Dena Varah, Chair

Professor Michael Evans, Faculty Panel Member

Konrad Samsel, Student Panel Member

Appearances:

Tina Lie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Ryan Shah, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

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

Not In Attendance:

T [REDACTED] P [REDACTED]

REASONS FOR DECISION

1. The Trial Division of the University of Toronto Tribunal was convened on May 28, 2024.

PART 1 - CHARGES

2. The Student is charged with seven offences under the Code.

HISB52 Précis Assignment

- (i) On or about February 24, 2021, you knowingly represented as your own an idea or expression of an idea or work of another in your précis assignment in AFSB01/HISB52 (African Religious Traditions Through History) (“AFSB01”)¹, contrary to section B.I.1(d) of the Code.
- (ii) In the alternative, on or about February 24, 2021, 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 your précis assignment in AFSB01, contrary to section B.I.3(b) of the Code.

POLB72 Critical Analysis Paper

- (iii) On or about December 8, 2021, you knowingly represented as your own an idea or expression of an idea or work of another in your critical analysis paper in POLB72 (Introduction to Political Theory) (“POLB72”), contrary to section B.I.1(d) of the Code.
- (iv) In the alternative, on or about December 8, 2021, you knowingly used or possessed an unauthorized aid or aids or obtained and/or provided unauthorized assistance in connection with your critical analysis paper in POLB72, contrary to section B.I.1(b) of the Code.
- (v) In the alternative, on or about December 8, 2021, 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

¹ *Hereinafter, referred to as HISB52

academic advantage of any kind in connection with your critical analysis paper in POLB72, contrary to section B.I.3(b) of the Code.

POLB72 Take Home Final Exam

- (vi) On or about December 21, 2021, you knowingly used or possessed an unauthorized aid or aids or obtained and/or provided unauthorized assistance in connection with your take home final exam in POLB72, contrary to section B.I.1(b) of the Code.
 - (vii) In the alternative, on or about December 21, 2021, 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 your take home final exam in POLB72, contrary to section B.I.3(b) of the Code.
3. Assistant Discipline Counsel advised that charge two is in the alternative to charge one, charges four and five are in the alternative to charge three and charge seven is in the alternative to charge six.
 4. If the student is found guilty of charges one, three and six then the alternative charges two, four, five and seven will be withdrawn respectively.

PART 2 - PROCEEDING IN THE ABSENCE OF THE STUDENT

5. The Student did not attend the hearing.
6. Assistant Discipline Counsel provided a Book of Documents regarding the issue of notice and service on the Student.
7. Sheryl Nauth, Academic Integrity Specialist in the Academic Integrity Office at the University of Toronto, Scarborough swore an Affidavit in which she set out the academic record and contact information for the Student. She confirmed the Student's email address that was provided in the Repository of Student Information ("ROSI").

8. Ms. Nauth also provided evidence on the attempts to schedule the Dean's Designate meeting in the summer of 2021 regarding the alleged academic offence in HISB52. The Student was provided with three opportunities to attend this Dean's Designate meeting and did not do so. As a result, the allegation of academic misconduct was referred to the Vice-Provost.
9. There were also attempts to schedule a Dean's Designate meeting in the summer of 2022 regarding alleged academic offences in POLB72. The Student was sent two emails in advance of a scheduled meeting of May 30, 2022 to which they did not reply until the date of the scheduled meeting. At that point, the Student replied indicating that they were not able to attend the meeting because of personal matters. They wrote that they took "full responsibility" for their actions. They also noted that they did not intentionally plagiarize but had a poor understanding of the meaning of plagiarism.
10. The Student later requested that the meeting be scheduled for July 18, 2022. That date was no longer available for the Dean's Designate, and the Student did not reply to the various attempts to reschedule the meeting. The allegations were subsequently referred to the Vice-Provost for consideration.
11. The webservice activity log recorded that on April 14, 2024, the Student accessed ACORN, a web-based tool that stores students' academic, personal and financial records.
12. Assistant Discipline Counsel also provided an Affidavit of Kimberly Blake, legal assistant working at the law firm of Paliare Roland Rosenberg Rothstein LLP ("Paliare Roland"). Ms. Blake went through various emails sent to the Student with the charges and the subsequent disclosure.
13. Ms. Blake also noted she tried to call the Student at the number listed in the Student's ROSI record, which was the phone number for Columbia International College, a high school.
14. There were also numerous emails from Assistant Discipline Counsel regarding the date for the hearing. There was also an attempt to courier the Notice of Virtual Hearing, the charges and disclosure to the Student's address in ROSI. The package was signed for by someone named "Judy".

15. On May 17, 2022, Ryan Shah, counsel at Paliare Roland, spoke to somebody at Columbia International College who indicated that the Student had graduated in 2018 and that the school did not have current contact information for them.
16. Based on the extensive attempted correspondence with the Student at the email address and telephone number that the Student provided in ROSI, the Panel is satisfied that pursuant to the *Statutory Powers and Procedures Act* and the University Tribunal's *Rules of Practice and Procedure* (the "Rules"), the Student received reasonable notice of the charges and of the hearing date.
17. The Rules provide that service is effected by sending a copy of the document to the Student's mailing address contained in ROSI or by emailing a copy to the email contained in ROSI. Both of these steps were taken. Although it appears that the mailing address was not up to date, this is a responsibility of the Student who has had access to ROSI throughout their enrolment at the University.
18. Neither the *Statutory Powers and Procedures Act* nor the Rules require proof of actual notice to the Student. The steps taken by the University and by Assistant Discipline Counsel were reasonable.
19. The hearing proceeded in the absence of the Student.

PART 3 - THE FACTS UNDERLYING THE CHARGES

Evidence In Support of Offences One, Two and Three

20. The Student enrolled in HISB52 in winter 2021. The syllabus for HISB52 contained a warning on academic integrity, which referenced among other things, the Code.
21. The students in HISB52 were to submit an assignment worth 10% of the final mark in the course called The Précis Assignment (the "Précis"). The assignment was due on February 9, 2021, and required students to provide an overview of one of four academic texts.
22. The Student was late with their assignment, submitting it on February 24, 2021. The Student examined the article "Magic, Religion and Secularity" by Berel Dov Lerner (the

“Lerner Article”). The course instructor, Dr. Callebert submitted the Précis to Turnitin.com, which detected that the Student’s Précis had a 24% similarity to a source from www.coursehero.com. Dr. Callebert examined the Précis and found that the ideas were very similar to the coursehero.com’s source and there were many verbatim passages. The following is a chart set out in the Affidavit of Dr. Callebert providing an excerpt from the Précis and the Course Hero source:

Student’s Précis	CourseHero Source
<p>The Azande farmers, for instance, store their grain in granaries built on wooden stilts. People often seek shade under granaries because their area is indeed sweltering. Often termites, however, feed at the posts of a granary, and individuals may be seriously hurt or killed when it collapses. Why is this occurring? The Azande understand that termites consume wooden posts and can lead to the collapse of granaries. For the physical case of a falling granary, this is the natural explanation. The Azande, however, are also attempting to answer the question, Why then is that specific individual sitting underneath the granary when it collapsed? "</p>	<p>Here’s an example of how this works: The Azande are farmers and they store their grain in granaries built on wooden stilts. Because their area is often very hot, people sometimes seek shade under granaries. However, sometimes termites eat at the posts of a granary and when it collapses, people can be seriously injured or killed. Why does this happen ? Seeking Answers The Azande know that termites eat wooden posts and can cause granaries to collapse. This is the natural explanation for the physical event of a collapsing granary. However, the Azande also seek to answer the question, “Why was that particular individual sitting under the granary when it collapsed ?”</p>

23. The Student did not reference the Coursehero.com source or provide any footnotes to that source or any other indication that the ideas or words were not their own.
24. Dr. Callebert met with the Student on April 10, 2021 to discuss the allegation that they had committed academic misconduct.

Evidence In Support of Offences Four and Five

25. The Student enrolled in POLB72 in fall 2021. The syllabus contained a warning about academic integrity and referenced the University's Policies and Procedures.
26. The students in POLB72 were to submit an assignment worth 35% of their final mark called The Critical Analysis Paper (the "Paper"). The Paper was due on December 8, 2021. The instructions for the Paper required that students use primary text and use secondary sources only in consultation with the course instructor.
27. The Student submitted their Paper on December 9, 2021. The Student had not consulted with the course instructor about using secondary sources in their Paper. The University's Original service detected that the Student's Paper contained verbatim and near verbatim similarities to several online sources. The following table indicates some of the similarities between the Student's Paper and the source written by Amy Allen, none of which were cited:

The Student's Paper	The Allen Source
In connection to the aim of critical theory, Adorno and Foucault propose a profoundly different way of thinking about backward and forward-looking ideas of development. Both reject any vindictory, backward-looking account of historical development as a 'truth' about what has led up to 'us,' but they do so in the service of a critical problematization of the present, not in favor of a romantic story of decline and fall.	As such, Adorno and Foucault offer a radically different way of thinking about the backward and forward looking conceptions of progress in relation to the project of critical theory. Both reject any vindictory, backward looking story of historical progress as a 'fact' about what has led up to 'us', but they do so not in favor of a romantic story of decline and fall, but rather in the service of a critical problematization of the present.

28. Given the similarities between the Student's Paper and the other sources, Dr. Hamilton concluded that the Student likely copied substantial parts of their Paper from the sources without appropriate attribution.

Evidence in Support of Offences Six and Seven

29. The students in POLB72 were also required to write a take home exam (the “Take Home Exam”) worth 25% of their final mark. The Take Home Exam required a comparison of the theories of different political philosophers and the students had seven days to complete it.
30. The instructions for the Take Home Exam indicated that exam was open book, and the students had access to all course materials and study notes. As the assignment was an exam and not a research paper, the instructions provided that the students were not required to provide a bibliography or include citations unless they provided a direct quotation. In those cases, the students were instructed to provide the page number as an in-text citation and a reference in a bibliography.
31. The Student submitted their Take Home Exam on the due date, December 21, 2021. The course instructor ran the exam through the University’s Ouriginal Service which detected that the Student’s Take Home Exam had verbatim and near verbatim similarities to several online sources. The follow table compares a passage from the Student’s Take Home Exam to a scholarly article entitled “Plato, Rousseau and the Implications of Moral Freedom” (the “Crawford Paper”). The Crawford Paper was not part of the course materials for POLB72.

The Student’s Take Home	The Crawford Source
Jean Jacques Rousseau, although being a member of the modernity school of thought, has a variety of writing styles that make him the ideal option for comparing his writing to ancient ideas. Rousseau is an idealist, to put it succinctly. He tackles his views of political theory and man's nature in a way that encourages debate and discussion, who were	Rousseau, though well within the bounds of the Modernity school of thought, has a number of different styles of his own writing that make him the best candidate for comparing his writing to ancient thoughts. Without too many words, Rousseau is an idealist. He approaches his own discussions of political theory and man’s nature in a manner that is more open for discussion and debate, whereas both contemporaries of his, Locke and Hobbes,

his contemporaries, took a fairly cut and dry approach to political philosophy.	would give a very cut and dry approach to political thought.
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32. Given the similarities between the Student's Take Home Exam and the Crawford Paper, Dr. Hamilton concluded that the Student likely copied substantial parts of their Take Home Exam from the Crawford Paper. For example, both the Take Home Exam and the Crawford Paper reference a "cut and dry approach", with the Student's paper indicating that the approach was to political philosophy and the Crawford Paper indicating that it was the approach to political thought. There is no reference to the Crawford Paper in the Student's Take Home Exam.
33. Despite attempts, Dr. Hamilton was not able to meet with the Student to discuss the allegations regarding the Student's Paper and Take Home Exam.

PART 4 - FINDINGS ON LIABILITY

34. The charges related to the Précis (charges 1 to 3) and to the Paper (charges 4 and 5) are principally that the Student "knowingly represented as their own idea and expression of an idea or work of another", contrary to s. B.I1 (g) of the Code."
35. The charges related to the Take Home Exam (charges 6 and 7) are primarily centred on the use and possession of an "unauthorized aid or aids or obtained and/or provided unauthorized assistance" contrary to section B.I.1(b) of the Code. The evidence of this unauthorized assistance is the unattributed copying of a source that was not part of the course material.
36. The evidence of plagiarism and unauthorized assistance is clear and convincing. The paragraphs reproduced above are representative of larger passages in the Student's work that are overwhelmingly similar to published and on-line sources. The University provided full comparison charts in the supporting material that leaves little doubt that the Student committed the offences. The similarity in ideas and words cannot be the result of chance.
37. The syllabus of HISB52 contained the following two paragraphs among others:

Students are expected to familiarise themselves with the University's Code of Behaviour on Academic Matters, which can be found on <http://www.artsci.utoronto.ca/osai>. It is the rule book for academic behaviour at the U of T. Further advice on how to avoid plagiarism can be found on <http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize>. If you have any doubts: *Ask!*

In written work, all sources used must be correctly cited, and quoted, if material is copied directly; you also cannot resubmit work already used for other classes. Exams and tests must be written without the use or possession of unauthorized aids, including notes and cellular phones. When working with friends, protect your work by not sharing or emailing your notes or assignments with others. You can help friends by discussing your ideas together and comparing your notes from lectures. For a complete list of offences, see section B of the [*Code of Behaviour on Academic Matters*](#).

38. The syllabus of POLB72 had similar language, specifically reminding students that the “academic enterprise is founded on honesty, civility and integrity.”
39. Unfortunately, the Student did not heed the advice and warnings in these syllabi. This is not a case of incorrect citation in the Précis or the Paper but rather one of no citation at all. But for the on-line comparison tools that detected the similarities between the Student's work and other sources, a reader would conclude that all the words and ideas were those of the Student
40. The instructions for the Take Home Exam were equally clear. Students were only permitted access to course materials, as well as any course notes they had prepared in advance. The Student was not required nor expected to consult outside sources. In the event that direct quotations were used in the assignment, they had to be properly cited. Based on the evidence provided to the Tribunal, we find that the Student presented ideas as their own without any attribution. To use the words of the Take Home Exam (as taken from the Crawford Paper), the unauthorized assistance in this case is “cut and dry.”
41. The Panel finds that the Student committed the offences in Charges 1, 4 and 6. The University therefore withdrew charges 2, 3, 5 and 7.

PART 5 - SUBMISSIONS ON PENALTY

42. The University seeks the following sanction for the Student:

- (a) A final grade of zero in the course HISB5H3 in winter 2021;
 - (b) A final grade of zero in the course POLB72H3 in fall 2021;
 - (c) A suspension from the University of Toronto for a period of three years from the date of the Order, ending on May 27, 2027; and
 - (d) A notation of the sanction on the Student's academic record and transcript for a period of four years from the date of the Order, ending May 27, 2028.
43. The University also seeks an Order that the case be reported to the Provost for publication of a notice of the Decision of the Tribunal and sanction imposed, with the Student's name withheld.
44. Assistant Discipline Counsel relied on a number of cases that set out the factors that the Panel should consider in determining the appropriate penalty:
- (a) The character of the person charged;
 - (b) The likelihood of the repetition of the offence;
 - (c) The nature of the offence committed;
 - (d) Any extenuating circumstances surrounding the commission of the offence;
 - (e) The detriment to the University occasion by the offence; and
 - (f) The need to deter others from committing similar offences.
45. Assistant Discipline Counsel did note that a two-year suspension is the threshold for a first-time offender, but the University was seeking a three-year suspension with a four-year notation in this case because of the multiple instances of plagiarism and unauthorized assistance.
46. It was noted that the Student had already met with the instructor in HISB52 to discuss the allegations of plagiarism prior to enrolling in POLB72 in fall 2021. As a result, the

additional two offences that the Student committed in POLB72 were already with notice that the Student had been alleged to have committed an earlier offence.

47. Assistant Discipline Counsel noted that there is little that can be said with respect to the actual character of the Student because the Student did not participate in the process. The focus was therefore on the nature of the offence and its effect on the University.
48. Assistant Discipline Counsel submitted that the nature of the offence is serious, and that there is a great detriment to the University if such offences go unchecked. There is a need to deter others from committing these academic offences.

PART 6 - DECISION ON PENALTY

49. The Panel assessed the facts of the case and the factors to be considered on penalty. The Panel agreed with the University's submission that the requested penalty is justified in this case.
50. There are several cases in which multiple charges of plagiarism received a three-year suspension (*University of Toronto and M.H.H.* (Case No. 521, January 12, 2009), *University of Toronto and T.W.* (Case No. 721, October 9, 2014), *University of Toronto and W.L.J.* (Case No. 815, January 19, 2016)). The Panel is aware that prior Tribunal Decisions are not binding on it, but they do offer guidance for the Panel on penalties imposed on other students in similar circumstances.
51. In the case of *University of Toronto and T.W. (supra)*, the student committed two counts of plagiarism in quick succession. In that case, the Panel noted that one offence would have attracted a two-year suspension, but because there was almost immediately a second offence, the Panel ordered a three-year suspension.
52. In this case, there are three different counts of academic misconduct, and as noted, two after there was already notice of the first. Because the Student committed the second and third offences after having notice of the first, there is a higher likelihood that there would be a repetition of the offence.

53. As the Student did not engage in this process, there is no evidence of any mitigating factors that would factor into a reduction of the penalty.
54. The detriment to the University occasioned by the offences is considerable. It cannot be overstated how serious the offence of plagiarism is in an academic setting. It allows students to obtain credit for work that is not their own to the detriment of not just the University but of their fellow students. It results in gross unfairness to students who produce their own work and can ultimately undermine the reputation of the University.
55. The need for deterrence is high, especially in the case of repeat offenders. Students must know that multiple cases of academic misconduct attract a higher penalty.
56. The threshold penalty of a two-year suspension would not account for the multiple offences in quick succession. A three-year suspension is in line with the previous cases and adequately address the serious nature of the three offences at issue.

PART 7 - THE ORDER

57. On May 28, 2024, the University Tribunal ordered that:
 - (a) the hearing may proceed in the absence of the Student;
 - (b) the Student is guilty of two counts 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*;
 - (c) the Student is guilty of one count of knowingly using or possessing an unauthorized aid or obtaining 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*;
 - (d) the following sanctions shall be imposed on the Student:
 - (i) a final grade of zero in the course HISB52H3 in Winter 2021;

- (ii) a final grade of zero in the course POLB72H3 in Fall 2021;
 - (iii) a suspension from the University of Toronto for a period of 3 years from the date of this order, ending on May 27, 2027; and
 - (iv) a notation of the sanction on their academic record and transcript for a period of 4 years from the date of this order, ending on May 27, 2028.
- (e) This case is to be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the Student's name withheld.

Dated at Toronto this 27th day of August, 2024.

Original Signed By:

Dena Varah, Chair

On behalf of the Panel