

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on April 6, 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 -

B [REDACTED] L [REDACTED]

REASONS FOR DECISION

Date of Hearing: April 12, 2024, and June 19, 2024, via Zoom

Members of the Panel:

Michael Hines, Chair
Professor Pascal van Lieshout, Faculty Panel Member
Amy Huang, Student Panel Member

Appearances:

Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Adam Iggers, Articling Student, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

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

Not in Attendance:

B [REDACTED] L [REDACTED]

Charges and Hearing

1. This panel of the University Tribunal held hearings on April 12, 2024, and June 19, 2024, via Zoom, to consider charges brought by the University of Toronto (the “University”) against B■■■■ L■■■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”).

Procedural Issues

2. The Student was charged with the five offences set out in paragraphs 4 to 10, below (the “Charges”). Essentially, they relate to three areas of concern that arose over a six-month period of time in the 2021-22 academic year. More specifically, these involved a) the allegation that the Student obtained unauthorized assistance in connection with two homework assignments, b) the allegation that the Student made use of an unauthorized aid in a final examination and c) the allegation that the Student both plagiarized from unattributed sources and referred to concocted sources in an essay.
3. The Student did not appear at the hearing. The University requested an order that the hearing proceed in her absence, relying on the affidavit of Natalia Botelho, a legal assistant employed by the law firm of Paliare Roland Rosenberg Rothstein LLP (“Paliare Roland”). This affidavit satisfied the Panel that reasonable efforts had been made by the Dean’s Office, the Office of the Vice-Provost and by members and employees of Paliare Roland to locate the Student and bring to her attention the fact that she was facing concerns, charges and, ultimately, prosecution in this hearing. The Panel was satisfied that the Student was provided with reasonable notice of the hearing in accordance with section 6 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 and rule 17 of the University Tribunal’s *Rules of Practice and Procedure*. Accordingly, the Panel granted the requested order. That order is hereby confirmed.

Charges

4. As stated above, the Student was charged with respect to three separate types of incidents. The first set of concerns (the “Assignment Offences”) involved two homework assignments in Language Studies course LINC12H3: The Study of Meaning (“LINC12H3”).
5. With respect to LINC12H3, the Student was charged as follows:
 1. On or about October 4, 2021, you knowingly used or possessed an unauthorized aid or aids or obtained and/or provided unauthorized assistance in connection with Homework Assignment 1 in LINC12H3, contrary to section B.I.1(b) of the Code.
 2. On or about November 15, 2021, you knowingly used or possessed an unauthorized aid or aids or obtained and/or provided unauthorized assistance in connection with Homework Assignment 2 in LINC12H3, contrary to section B.I.1(b) of the Code.
6. The second concern (the “Examination Offence”) arose out of an examination regarding another Language Studies course, LINB09H3: Phonetics – The Study of Speech Sounds (“LINB09H3”).
7. With respect to LINB09H3, the Student was charged as follows:
 3. On or about December 18, 2021, you knowingly used or possessed an unauthorized aid or aids or obtained and/or provided unauthorized assistance in connection with the final exam in LINB09H3, contrary to section B.I.1(b) of the Code.
8. The third set of concerns (the “Essay Offences”) related to an essay written by the Student in connection with a third Language Studies course, LINC02H3: Phonology II (“LINC02H3”).
9. With respect to LINC02H3, the Student was charged as follows:

4. On or about April 9, 2022, you knowingly represented as your own an idea or expression of an idea or work of another in an essay titled "Modern Standard Mandarin Phonology" ("Essay") in LINC02H3, contrary to section B.I.1(d) of the *Code*.

5. On or about April 9, 2022, you knowingly submitted the Essay which contained a purported statement of fact or reference to a source which has been concocted, contrary to section B.I.1(f) of the *Code*.

10. In addition to the foregoing, the Student was also charged in the alternative. At the hearing, Mr. Iggers clarified that Count 5 was also an alternative charge, and that paragraph 6 should read "In the alternative to charges 1 through 5 above, ..." instead of "In the alternative charges 1 through 4 above...".

6. In the alternative to charges 1 through 4 above, 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 contrary to section B.I.3(b) of the Code, in connection with:

- (a) Homework Assignment 1 in LINC12H3 on or about October 4, 2021;
- (b) Homework Assignment 2 in LINC12H3 on or about November 15, 2021;
- (c) The final exam in LINBO9H3 on or about December 18, 2021; and
- (d) An essay titled "Modern Standard Mandarin Phonology" submitted in LINC02H3 on or about April 9, 2022.

Evidence and Findings

11. As noted above, the Student did not attend the hearing and so provided no evidence in this hearing. However, after the concerns noted above initially came

to light in the spring of 2022, the Student did meet (via Zoom) on August 25, 2022, with Mark Schmuckler, a Professor in the Department of Psychology and a Dean's Designate for academic integrity at the University of Toronto Scarborough. More will be said of this meeting below.

The Assignment Offences

12. The University led its primary evidence on the merits of the Assignment Offences through the affidavit and *viva voce* testimony of Angelika Kiss, who at all relevant times was a Course Instructor in the Department of Language Studies at the University of Toronto, Scarborough. In particular, in the Fall 2021 academic term, Professor Kiss taught LINC12H3 (the "Course").
13. As stated above, Counts 1 and 2 relate to homework assignments arising out of the LINC12H3 course, the first being submitted by the Student on or about October 4, 2021 (the "First Assignment") and the second submitted on or about November 15, 2021 (the "Second Assignment").
14. Through the affidavit of Professor Kiss and her testimony, the following facts were established to the Panel's satisfaction:
 - (a) In the Fall term of 2021, the Student was enrolled in LINC12H3. There were approximately 100 students enrolled in the Course.
 - (b) The LINC12H3 syllabus included a section titled "Academic Integrity". This section stated that students were expected to submit only their own original work in the Course. Students were informed of their responsibility to be familiar with the University's guidelines of avoiding plagiarism and were provided with a hyperlink to the University of Toronto's *Code of Behaviour on Academic Matters* (the "Code"). Students were also instructed to avoid presenting thoughts of others as their own and were informed that all suspected cases of academic dishonesty would

be forwarded to the Department of Language Studies and the Office of Student Academic Integrity.

(c) The requirements of academic integrity in the completion of all assignments and exams were also discussed at various points during lectures in the Course. The requirement that students complete all assignments independently was emphasized, and students were warned not to collaborate with other students in the class or to rely on online sources or tutors. Students were specifically encouraged to contact instructors if they had questions about academic integrity.

(d) Students in the Course were required to complete: three homework assignments (worth 10% each); two quizzes (worth 5% each); a midterm quiz (worth 25%); and a final assessment (worth 35%).

(e) The Student submitted her response to the First Assignment on or around October 4, 2021. The Panel was provided with a copy of the Student's submission as an exhibit to Professor Kiss's affidavit.

(f) While marking the First Assignment, Professor Kiss's grader noticed that the Student's answer to Question 7 was unusually similar to the answers given by several other students on the same question. The Student provided an incorrect answer to Question 7 that did not reflect what students were asked to do by the question, nor what had been taught in the Course on the relevant topic.

(g) In light of the peculiar similarities between the Student's answer to Question 7 and those of several other students, the grader examined the answers of those students to the other questions on the assignment. It was discovered that there were several striking similarities between the Student's answers and those of other students on several of the other questions in the assignment.

(h) It was determined that the Student was among a group of 15 students who, in varying numbers depending on the question, shared distinct similarities in their answers (the “Flagged Students”). In each instance, several students made the very same peculiar error when answering the relevant question. The number of students whose answers were unusually similar to the Student’s ranged from 6 to 14, depending on the question.

(i) Many of the similar answers contained mistakes that would, in the opinion of Professor Kiss, have been unusual to have been made by even one student in the class. The fact that the same mistakes were made by so many students seemed to her unlikely to have been the result of coincidence. Collectively, these observations and findings led Professor Kiss to the conclusion that students may have been collaborating or using a similar source of unauthorized assistance.

15. This concern is shared by the Panel members, who had the opportunity to compare the Student’s submission with the actual submissions of the Flagged Students. In terms of a) the words used, b) the grammatical and syntactical structure of the incorrect answers given, c) the similarity in the nature of the substantive departures from the correct answers and d) the nature and degree of the disparity of the incorrect answers from the instruction that, according to Professor Kiss, was provided to students in the Course, the Panel concurs with the allegation that the Student obtained assistance from an unauthorized source in the completion of the First Assignment.
16. This conclusion regarding the First Assignment is buttressed to a limited but material extent by certain information that was provided by the Student in the course of the University’s further investigation of this matter, specifically in the meeting conducted by Mark Schmuckler on August 25, 2022, referred to above.

Professor Schmuckler's evidence in this regard was provided by way of affidavit dated March 27, 2024 (the "Schmuckler Affidavit").

17. In the Panel's opinion, the probative value of the Schmuckler Affidavit lies in the fact that the Student acknowledged in her meeting that she was a member of a study group that had been assisted/taught by a hired tutor. While, according to the Affidavit of Professor Kiss, the students in the Course had been "cautioned" about relying on outside tutors, it has not been suggested that the mere reliance on such tutors *per se* is an academic offence. The situation is, of course, materially different if and when such a tutor assists students in completing work for which those students are being evaluated.
18. The fact that a common tutor connected the Student with a number of other students in the course makes more plausible (and thus supports) the inference that a common source actually lay behind the "similarly incorrect" answers of the Flagged Students (including those of the Student accused in our case).
19. It is, of course, possible, that a poor tutor (or at least one not directly acquainted with how LINC12H3 was actually being taught) could innocently mis-instruct their client-students on certain elements of the course in ways that would lead to similarly poor performance on those elements when those students were put to the test. However, simple "poor performance" is not all that the evidence discloses in this case. Rather, it is the remarkable similarity, on so many levels, of the observed mistakes that suggests that those answers (rather than simply the teaching behind those answers) came from a common source.
20. We should also note that the University relied upon the Schmuckler Affidavit to advance the position that the Student had not only admitted to being a member of a tutor-led study group, but that she had also, in fact, admitted to improper reliance upon an unauthorized source (i.e., the tutor) in the actual completion of both the First Assignment and the Second Assignment.

21. As stated above, the Panel has reached the conclusion that the Student's work on the First Assignment was, indeed, tainted by reliance on an "unauthorized" source. Whether that was the group's tutor or simply other members of the group itself is immaterial. Our conclusion on this point is based upon our review of the documents and the evidence of Professor Kiss regarding the analysis of those documents, buttressed by the obvious opportunity for collusion of some kind as disclosed by the August 25, 2022 meeting.

22. The evidence supporting the University's assertion of an actual "admission" of impropriety is found in the notes taken of the August 25, 2022 meeting between Professor Schmuckler and the Student. In that meeting, Professor Schmuckler presented to the Student a description of the available evidence (including acknowledgement of the engagement of a tutor) and the several conclusions that had been reached concerning the First Assignment. He then said:

I am going to ask you yes/no question, based on what I have presented to you do you admit to the offence of Unauthorized Aid on the assignment?

23. The Student answered "Yes".

24. After undertaking the same meeting approach regarding the Second Assignment, and after having asked the same "Yes or No" question, and again received a "Yes" answer. Professor Schmuckler, according to the notes of the meeting, then had the following exchange with the Student:

25. [Prof. Schmuckler] – OK, let [sic] move on to the next [allegation].
Actually, lets [sic] pause do you have any questions from what we discussed here for these two assignments? Given the nature of this can you tell me what was going on, you knew you shouldn't use the answers from the group.

BL – We went to the same study group, the instructor told us the method of studying the answers, but did not tell us the answers. Because she told us the same methods we made the same mistakes. She didn't tell me this was the

answer or that was the answer, I did not know the other students, we went to the same study group online.

26. Given this exchange, the Panel is not satisfied that the “admissions” to the “Yes or No” questions posed earlier by Professor Schmuckler actually reveal a clear admission on the part of the Student, as asserted by Assistant Discipline Counsel.
27. For the purposes of analyzing the guilt or innocence of the Student regarding Count 1 concerning the First Assignment, this conclusion is of no significance. This is because, as stated above, the Panel was able to reach a conclusion of guilt based on a) its analysis of the documents in evidence coupled with b) the evidence of Professor Kiss, buttressed by c) the knowledge that the Student was a member of a study group.
28. Based upon that evidence, the Panel finds the Student guilty of obtaining unauthorized assistance in connection with the First Assignment, as set out in Count 1.
29. We will now turn to Count 2 concerning the Second Assignment submitted by the Student on or about November 15, 2021.
30. The University’s case on Count 2 is hindered by the fact that the documents supporting its allegation, both those authored by the Student and by other members of the LINC12H3 class, were no longer capable of being produced at the hearing for the Panel to review. This was evidently because the students whose answers might have been relevant to the inquiry had dropped the course before their materials were able to be saved by Professor Kiss.
31. Given this sequence of events, the evidence led by the University in support of Count 2 consisted of the anecdotal *viva voce* evidence of Professor Kiss and the asserted admission which was said to be found in the Schmuckler Affidavit. Our

views concerning the probative value of the August 25, 2022 meeting have been discussed above.

32. Regarding the evidence of Professor Kiss, the Panel does not suggest in any way that this evidence was tainted by any attempt to mislead. However, as stated above, the Panel's ability to actually review the documents underlying the University's position on Count 1 was critical to its finding on that count. In the absence of the comparable documents concerning Count 2, the Panel was not prepared to find that the University had satisfied its onus of proof on that count.
33. Accordingly, based upon the applicable standard of proof, the Panel finds the Student not guilty on Count 2.

The Examination Offence

34. The Examination Offence involves the allegation that the Student made use of an unauthorized aid in an examination concerning LINB09H3: Phonetics – The Study of Speech Sounds.
35. The University led its evidence on the merits of the Examination Offence through Joanna Chocieł. Her evidence was given by way of an affidavit (the "Chocieł Affidavit"). Professor Chocieł was at all relevant times a Sessional Lecturer in the Department of Language Studies at the University of Toronto, Scarborough. She taught LINB09H3 in the Fall 2021 academic term.
36. The following facts were established to the Panel's satisfaction:
 - (a) The Student was enrolled in LINB09H3 during the Fall 2021 academic term.
 - (b) The LINB09H3 syllabus included a section titled "Academic Integrity". This section highlighted the seriousness of academic misconduct and stated that students were expected to know what constitutes an academic offence. Students were directed to read about

academic integrity and were provided a hyperlink to the Code. The syllabus specifically instructed students that unless otherwise stated, they should assume that all coursework was to be completed on their own, without discussion or collaboration with other students.

(c) The requirements of academic integrity in the completion of all assignments and exams were also discussed at various points during lectures in LINB09H3. Students were advised of what constituted impermissible collaboration on assignments and were specifically encouraged to contact instructors if they had questions about academic integrity.

(d) Students in LINB09H3 were required to: complete two introductory assignments (worth 1% each); complete 7 online quizzes (worth 4% each); write 4 assignments (cumulatively worth 30%); and write a final exam (worth 40%) (the “Final Exam”).

(e) The Final Exam was delivered online via Quercus Quizzes. Students were instructed on several occasions that while they were permitted to consult their own notes during the Final Exam, they were not permitted to consult any external sources. This instruction was given to students by Professor Chociel during the final LINB09H3 lecture, in an email she sent to all students in LINB09H3 on December 17, 2021, and again in the instructions provided to students on Quercus Quizzes at the outset of the Final Exam.

(f) The Student attended and wrote the Final Exam on December 18, 2021.

(g) Question 1 of the Final Exam required the Student to pledge that the work she would do on the exam represented solely her own knowledge and ideas. She provided this confirmation as required. At the

end of the exam, at Question 64, the Student again confirmed that the work she had done on the exam was her own and was in accordance with the rules set out in the Code.

(h) Following the exam, Professor Chociey was notified by a Teaching Assistant (“TA”) that another student appeared to have copied their answer to Question 27 on the Final Exam from Wikipedia. Professor Chociey reviewed the suspect exam paper as well as those of other students and determined that the suspect paper and those of six other students contained answers that appeared to be drawn from Wikipedia articles related to that question. Specifically, she was able to identify several words/phrases that were idiosyncratic and did not match the phrasing or terminology used in LINB09H3 lectures or in assigned readings.

(i) The Student was among these seven students.

(j) Question 27 required students to provide a detailed description of the articulatory gestures involved in making the sound represented by a particular International Phonetic Alphabet (“IPA”) symbol. This IPA symbol represented a “breathy voice retroflex nasal” sound.

(k) In her affidavit, Professor Chociey provided an example of an answer that would have earned full marks on this question, with key words/phrases used in the LINB09H3 underlined.

The tip of the tongue curls up towards the alveolar ridge and makes a complete closure so that air cannot pass through the oral cavity. The lips remain open/neutral. The velum is lowered to allow air to pass through the nasal cavity. The vocal folds are positioned so that they can produce breathiness (either by being far enough apart so that they don’t close completely during vibration or by creating a space between the arytenoid cartilages.) [sic] The air is being pushed out from the lungs.

(l) The Student's answer did not include the relevant key words/phrases as discussed in LINB09H3, but rather included several idiosyncratic words/phrases which, while they did for the most part describe the relevant articulatory gestures, had not been used throughout LINB09H3. The Student's answer is pasted below, with the idiosyncratic words/phrases underlined.

It's a voiced retroflex nasal. It's occlusive the tongue is obstructing the airflow redirected through the nose. The tip of the tongue curls up and not palatalized. It's voiced. it's central so the air comes from the middle of the tongue.

(m) On review, Professor Chociey discovered that these same idiosyncratic words/phrases were used in a Wikipedia article describing the "voiced retroflex nasal". The IPA symbol for the "breathy voice retroflex nasal" is almost identical to that for the "voiced retroflex nasal". The relevant portion of the Wikipedia article read as follows, with words and expressions that are identical or similar to those used by the Student underlined:

Features of the voiced retroflex nasal:

- Its manner of articulation is occlusive, which means it is produced by obstructing airflow in the vocal tract. Because the consonant is also nasal, the blocked airflow is redirected through the nose.
- Its place of articulation is retroflex, which prototypically means it is articulated subapical (with the tip of the tongue curled up), but more generally, it means that it is postalveolar without being palatalized. That is, besides the prototypical subapical articulation, the tongue can be apical (pointed) or, in some fricatives, laminal (flat).
- Its phonation is voiced, which means the vocal cords vibrate during the articulation.
- It is a nasal consonant, which means air is allowed to escape through the nose, either exclusively (nasal stops) or in addition to through the mouth.
- It is a central consonant, which means it is produced by directing the airstream along the center of the tongue, rather than to the sides.

37. Professor ChocieJ reached the conclusion that the Student's answer to Question 27 was unusual in that the words used bore such similarity to the Wikipedia article – both in terms of the particular words used and the order in which they appeared. In her view, this was highly unlikely to be the result of coincidence.
38. The Panel shares this conclusion.
39. The Student was asked about the LINB09H3 exam by Professor Schmuckler at the meeting conducted on August 25, 2022. As compared to the statements concerning the First and Second Assignments (which we found to be equivocal), the Student unequivocally admitted her guilt regarding the Examination Offence. The notes of the interview reflect the following exchange:
- [Prof. Schmuckler] – Consulting Wikipedia during your exam, can be considered plagiarism and or use of unauthorized aid. You copied phrases from Wikipedia, and did not provide citation or even the fact that you looked at the information is use of Unauthorized aid on this exam. Give [sic] what I described in this case do you admit to use of Unauthorized aid on this exam?
- [The Student] – YES
- [Prof. Schmuckler] – Can you tell me what happened here?
- [The Student] – I was super scared for this one, I was going to graduate after this course, I felt this course was going to delay my plans, it was 10 mins before submitting this exam, I searched the question on the internet, I rephrased the answer and submitted in [sic] on my exam.
40. Based upon the foregoing, the Panel concludes that the Student made unauthorized use of the Wikipedia article in answering Question 27 of the LINB09H3 exam. Accordingly, the Student is hereby found guilty of Count 3.

The Essay Offences

41. The Essay Offences (Counts 4 and 5) concern allegations that the Student a) plagiarized some portions of an essay without attribution and b) concocted other portions and then ascribed them to incorrect sources.
42. The essay in question was required in LINC02H3: Phonology II (“LINC02H3”), which was also taught by Professor ChocieJ. These offences were also the subject of the meeting conducted by Professor Schmuckler on August 25, 2022. The University’s evidence concerning the Essay Offences involved the ChocieJ and Schmuckler Affidavits.
43. The following facts were established to the Panel’s satisfaction:
 - (a) The Student was enrolled in LINC02H3 during the Winter 2022 academic term.
 - (b) The LINC02H3 syllabus included a section titled “Academic Integrity” that provided the same information described in paragraph 36(b), above regarding LINB09H3. In addition, these materials stated that because assignments in LINC02H3 would involve research into phonological literature, students should familiarize themselves with proper citation practices.
 - (c) The requirements of academic integrity in the completion of all assignments and exams in LINC02H3 were also discussed at various points during lectures. For example, during lecture on February 14, 2022, Professor ChocieJ provided students with an overview of how to effectively select sources for academic papers, how to properly cite various types of sources, and how to avoid plagiarism. Guidance on these points was provided through lecture slides.
 - (d) Professor ChocieJ’s February 14, 2022 lecture included specific guidance for students on how to cite non-English sources. She instructed students to, when citing non-English sources, (i) transliterate the source

information into the Latin alphabet (if necessary), and (ii) include the original title of the source in the reference, as well as an English translation of the source title in square brackets. Students were informed that it was crucial that they follow this guidance because without both the original and the translated title, Professor Chociej would be unable to find the relevant source to verify citations. Guidance on these points was, again, provided through lecture slides.

(e) Students in LINC02H3 were required to: participate in weekly practice exercises (worth 18%); complete three homework assignments (worth 10% each); write a preliminary research paper (worth 15%); prepare a final paper proposal and annotated bibliography (worth 7%); and write a final paper (worth 30%) (the “Final Paper”). The LINC02H3 syllabus directed that the Final Papers were “to be completed individually.” The LINC02H3 syllabus also stated that “students will be required to submit their course essays to the University’s plagiarism detection tool for a review of textual similarity and detection of possible plagiarism.”

(f) The Final Paper assignment required students to consider data through the lens of a phonological issue that had been discussed in class, and to present an analysis in the form of a formally structured phonology paper.

(g) On April 8, 2022, the Student submitted her Final Paper.

(h) In reviewing the Student’s submission, Professor Chociej identified a number of descriptions of certain sources that did not accurately reflect those sources, suggesting an issue of concoction. Additionally, Professor Chociej found cases in which the Student had evidently used additional sources without referencing them, suggesting an issue of plagiarism.

(i) On April 19, 2022, Professor ChocieJ met with the Student via Zoom to discuss her concerns about the Student's Final Paper. Professor ChocieJ advised the Student that she could provide additional information to clarify her citations by the end of that same day.

(j) Two days later, on April 21, 2022, the Student sent Professor ChocieJ a revised version of her Final Paper with annotations explaining her citations (the "Revised Final Paper").

(k) Parenthetically, we observe that, in her Affidavit, Professor ChocieJ drew a number of conclusions concerning the content of the Final Essay in its original form. At the hearing of this matter, it was acknowledged that because Professor ChocieJ had invited the Student to revise her paper, it was the Revised Final Paper that should be used as the basis for the prosecution of Counts 4 and 5 – that any perceived offences associated with the original Final Paper should not be taken into account. The Panel has proceeded on that basis.

(l) The Revised Final Paper continued to raise concerns for Professor ChocieJ. The Student had added four additional sources to her "Works Cited" list. However, the Student failed to follow the required format for citing non-English sources as conveyed during the February 14, 2022 lecture discussed at paragraph 43(d) above. Specifically, the Student failed to include the original Chinese title of the Additional Sources in her references. Professor ChocieJ was therefore unable to properly verify the four Additional Sources and the accuracy of their use. Additionally, the Revised Final Paper failed to identify with sufficient precision the Student's actual reliance on these new sources. Therefore, the Revised Final Paper continued to raise concerns regarding the concoction of material.

(m) More troubling in the Panel's estimation was a further discovery of Professor ChocieJ regarding the issue of plagiarism. Through her

investigation into the Revised Final Paper, Professor ChocieJ came upon a set of online slides written in Chinese that dealt with sound changes in Mandarin (the “Sound Change Slides”).

(n) This issue of sound changes in Mandarin was addressed by the Student in various statements in Section VI of the Revised Final Paper. After translating the content of the Sound Change Slides into English using Google Translate, Professor ChocieJ concluded that the Student had copied sections of her Revised Final Paper from the Sound Change Slides, without attribution. Below is a side-by-side comparison (taken from the ChocieJ Affidavit) of several passages from Section VI of the Student’s Revised Final Paper alongside the translated content of the Sound Change Slides.

Ms. L■■■■’s Final Paper	Sound Change Slides
<p>VI. The Sound Change</p> <p>Here, we are talking about the phonological changes in the speech stream, mainly in the context of consecutive phonemes, syllables, or tones, which sometimes change during the speech stream.</p> <p>Phonological variation in speech flow is a universal phenomenon that exists in all languages but has its own characteristics.</p>	<p>[SLIDE 1]</p> <p>Section 6 Sound Changes</p> <p>Cui Yanyan, School of Culture and Media, is talking about synchronic speech flow sound changes, mainly connected pronunciation changes, that is, in the speech flow, the phonemes, syllables or tones that are read together sometimes change.</p> <p>Speech flow and phonetic change is a common phenomenon that exists in various languages, but each has its own characteristics.</p>

<p>The main phonological changes in Mandarin are: modulation, whispering, pedophonization, and the change of pronunciation of the word 'ah'.</p>	<p>The main changes in Chinese fluency in Mandarin include: tone changes, soft tones, child changes and the changing pronunciation of "ah".</p>
<p>1. Tone change:</p> <p>In the speech stream, the tone of some syllables changes to a certain extent, and the tone value is different from that of the single reading. In Mandarin speech, the prominent modulations are the upper tone and the "a" and "no" modulations.</p> <p>(1) Upper voice modulation: when the word is read alone or at the end of the word, the tone value remains the same. In the following cases, the tone value becomes yangping or semi-up, and multiple upper voices are connected to change the tune according to the meaning of the words in groups.</p>	<p>[SLIDE 3]</p> <p>1. Tone changes</p> <p>In the flow of speech, the tones of some syllables undergo certain changes, which are different from the tone values when they are read alone. This change is called tone changes.</p> <p>(1) Changes in the upper tone: when the upper tone syllable is pronounced alone or at the end of the word. The modulation value remains unchanged. In the following cases, the modulation value becomes 35 (Hangping) or 21 (Half Up). 1. Two upper tones are connected, and the previous upper tone is worth edge 35.</p>
<p>In the case of fast reading, all the syllables except the last - syllable can be adjusted to 35.</p>	<p>[SLIDE 4]</p> <p>[...] When reading quickly, all syllables except the last syllable can be changed to 35.</p>

<p>(2) In front of the non-upper voice (yinping, yangping, and de-voicing), the tonic value changes from 214 to 21, and in front of words that are not an upper voice but are pronounced as soft voice, the tonic change is the same, such as sea lion, dolphin, walrus, and wave.</p>	<p>2. Before the non-rising tone (Yinping, Yangping, Qu tone), the tone value changes from 214 to 21. Before the word that was originally non-rising tone and changed to the soft tone, the tone changes are the same.</p> <p>Such as: sea lions, dolphins, walruses, waves.</p>
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(o) As with the other allegations discussed above, the issue of the perceived Essay Offences was subsequently forwarded by Professor Chociey to the Student Academic Integrity Office of University of Toronto, Scarborough.

(p) Ultimately, Professor Schmuckler discussed the Essay Offences in general terms with the Student at the meeting held on August 25, 2022. The Student appears to have taken the position that she provided a corrected version of the Essay to Professor Chociey that was not taken into account. The details of this assertion are not entirely clear. Certainly, the Student did not admit to having committed an academic offence with respect to the Essay Offences.

44. It is to be noted that, by email dated February 16, 2024, the Office of Appeals, Discipline and Faculty Grievances advised the Student that a hearing into the various allegations against her (including the Essay Offences) would be held by Zoom on April 12, 2024. In that email, the Student was also advised that materials to be used in support of these allegations would be provided to her in advance of the hearing.

45. Further to this email, the Chocieĳ Affidavit, among other materials, was sent by Paliare Roland to the Student by email dated March 28, 2024. She knew or ought to have known that the comparisons described above between her Revised Final Paper and the translated Sound Change Slides would be relied upon. She had the opportunity to appear before us and rebut or explain these comparisons. She did not do so.
46. Based upon the contents of the Chocieĳ Affidavit, the Panel finds that the Student was guilty of knowingly representing as her own an idea or expression of an idea or work of another in the Revised Final Paper, as set out in Count 4. On the same basis, we find that the Student was guilty of submitting an essay which contained a purported statement of fact or reference to a source which had been concocted, as set out in Count 5.

Sanction

47. To summarize the foregoing, we have found the Student guilty of obtaining unauthorized assistance in connection with the First Assignment in LINC12H3 (Count 1) and the Exam in LINB09H3 (Count 3). We have also found the Student guilty of plagiarism and concoction in connection with the Revised Final Paper in LINC02H3 (Counts 4 and 5). We found the Student not guilty of obtaining unauthorized assistance in connection with the Second Assignment in LINC12H3 (Count 2). We have found it unnecessary to address the University's alternative Count 6.
48. The University submitted that the Student should receive grades of zero in all of LINC12H3, LINB09H3, and LINC02H3, and should be suspended from the University for five years.
49. The Panel accepts that a most serious sanction is warranted in this case. We believe that the issue before us is whether the sanction should be the five-year

suspension requested by the University or expulsion. For the reasons set out below, we agree with the five-year suspension requested by the University.

50. In support of its position, the University submitted a second affidavit of Professor Mark Schmuckler, this one concerning the Student's prior record of academic misconduct (the "Schmuckler Affidavit – Sanction"). This affidavit established that, prior to the events that led to the charges dealt with above, the Student had engaged in two earlier incidents of academic misconduct (the "Prior Offences").
51. First, in Fall 2018, the Student admitted to committing the offence of plagiarism in the final exam in FSTA01H3: Foods That Changed the World. The Student had transcribed contents of an article into her notes and later used those notes in an open book exam. The final exam was worth 35% of the final grade in the course.
52. In light of the Student's admission, that case was resolved at the divisional level. The Student was sanctioned by letter dated May 2, 2019. She received a grade of zero for the final exam and a notation of this sanction on her academic record and transcript from April 1, 2019, until graduation.
53. Second, In Fall 2020, the Student admitted to obtaining unauthorized assistance on the final exam in LINB09H3: Phonetics: The Study of Speech Sounds, which was worth 40% of her final grade in the course.
54. In light of the Student's admission, the case was again resolved at the divisional level. The Student was sanctioned by letter dated August 26, 2021 and received a zero for the final exam and a notation of this sanction on her academic record and transcript for a period of one year beginning August 20, 2021.
55. Both the means of cheating and its timing in this earlier case concerning LINB09H3 are particularly significant to the sanction issue in our case. The August 26, 2021 disciplinary letter reads in part:

Your answers to several of the short answer questions were found to be identical to those of four other students in the course.

Furthermore, your answers to some short answer questions did not match the questions that you were presented with but instead were found to be identical to the questions given to some of the other four students.

[...]

You explained that you communicated with other students during the final exam. You noted that desire for a higher grade to support your graduate application was the main driving factor in committing this offence. You acknowledge and understand that seeking unauthorized assistance is considered cheating on tests and exams and a violation of Code of Behaviour on Academic Matters.

56. The similarity of this offence to the offence described in Count 1 concerning the First Assignment in LINC12H3 is obvious.
57. In terms of timing, the Count 1 offence took place in connection with an assignment handed in on or about October 4, 2021 – six weeks after the letter quoted immediately above concerning LINB09H3 was issued.
58. In both of the Prior Offences, the disciplinary letters adverted to the impact that the imposed discipline might have if future misconduct occurred. The 2019 letter stated that “in the event of any further offence under the Code, [this letter] will be consulted.” The 2021 letter repeated that advice and stated:

I trust it is clear that the University regards with great seriousness all acts of academic dishonesty and why they cannot be tolerated. I hope you have learned from this unfortunate experience and nothing similar will happen again.
59. In reviewing this disciplinary history, it might be observed that the discipline imposed upon the Student for both of the Prior Offences was quite mild – a mark of zero on the exams in question accompanied by a notation on file – and that the admonishments regarding the future were also quite tempered. No suspensions were issued. No threat of suspension for future misconduct was made. One might argue that these mild penalties and statements would not have fairly alerted the Student to the possibility (if not the likelihood) that recurrences could lead to a sanction as extreme as a five-year suspension.

60. We would respectfully suggest that communications to students participating in the same kinds of disciplinary processes that involved the Student in our case could perhaps be clarified to some extent. For example, in letters outlining the future implications of imposed discipline, it might be possible to include a clearer statement of the future implications of the existing offence, one that is more concrete than saying simply that earlier disciplinary letters “will be consulted” and expressing the “hope” that future discipline will not occur. Indeed, the attention of a student might be drawn specifically to the Provost’s Guidelines and its specific statements describing the possible (if not the likely) trajectory of further disciplinary processes. Such direct, transparent communication would, we believe, further the interests of fairness. It might also more effectively serve the purpose of deterrence contemplated in the Tribunal’s case law.
61. In terms of our case, however, as noted at the outset of these Reasons, the Student did not appear before us. She did not testify that she had been misled into thinking further offences would be treated mildly. The notable rapidity with which her misconduct was repeated following the second of the Prior Offence letters cited above – three events occurring between October 4, 2021, and April 9, 2022 – made it administratively impossible for the University to subject the Student to “progressive discipline” that would have educated her as to the escalating discipline that could befall her. In creating this sequence of events, the Student was entirely the author of her own misfortune.
62. As prior cases have stated, both plagiarism and the reliance on unauthorized forms of assistance in an examination are very serious offences. They strike at the heart of the University’s core values of honesty and integrity. They have the potential to affect other students adversely by allowing cheaters to obtain grades higher than they actually merit by presenting the work of others as their own. They harm the reputation of the University as a whole. The Code itself makes all this very clear. Consequently, those who commit either or both of these offences

merit serious sanctions – see *University of Toronto and N.A.* (Case No. 1186, September 21, 2021).

63. Assistant Discipline Counsel provided us with a considerable number of cases. It is not necessary to review them all. Of the cases provided, the one most nearly on point with ours is *University of Toronto and O.K.* (Case No. 718, February 25, 2015) (“O.K.”) In that case, the student engaged in a flurry of four academic offences in a one-month period. These involved plagiarism and the use of unauthorized aids in an attempt to pass a single course. The student in that case had been found guilty of a plagiarism offence one year earlier, for which he received simply a grade of zero on the assignment.
64. Like the Student in our case, the student in that case accepted only partial responsibility for the academic misconduct at issue during the investigation of the allegations. The Tribunal noted that some significant pre-planning and deliberation was involved, which reflected the advertent nature of the offences. The same applies in our case. In both cases, the students chose not to appear before the Tribunal. Accordingly, no mitigating factors were established.
65. The student in O.K. received a zero on the course in question and a five-year suspension.
66. The O.K. case is essentially identical to our case. If anything, the Student in our case demonstrated a more generalized willingness to cheat the system in that her wrongdoing extended over three separate courses and a five-month period of time.
67. As stated previously, in the Panel’s view, the question in our case is really whether suspension with a recommendation for expulsion is the appropriate sanction. This possibility was put to Assistant Discipline Counsel, who noted in particular that the Student was, quite unfortunately, on the verge of achieving her requisite number of credits for graduation when the academic offences at issue

before us were committed. Although not in these precise terms, it was suggested that some degree of leniency was appropriate given the investment that was at risk. The Panel, not without some hesitation, ultimately accepted that approach.

68. As a final note, the University submitted that, given the delays caused by COVID in administratively bringing this matter to a hearing, it would be fairest to “back date” the timing of the five-year suspension such that it would be deemed to have commenced on May 1, 2023. The Panel agrees with this approach.
69. Accordingly, after reading the evidence submitted and hearing submissions from Assistant Discipline Counsel, the Tribunal orders that:
 - (a) The hearing may proceed in the absence of the Student;
 - (b) The following sanctions shall be imposed on the Student;
 - (i) a final grade of zero in LINC12H3 in Fall 2021;
 - (ii) a final grade of zero in LINB09H3 in Fall 2021;
 - (iii) a final grade of Zero in LINC02H3 in Winter 2022;
 - (iv) a suspension from the University for five years, to be deemed to have commenced on May 1, 2023; and
 - (v) a notation of the sanction on the Student’s academic record and transcript to June 19, 2030, or until the Student’s graduation from the University, whichever occurs earlier;
 - (c) 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.

Dated at Toronto this 18th day of November, 2024.

Original signed by:

Michael Hines, Chair

On Behalf of the Panel