

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on February 29, 2024,

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 -

Y [REDACTED] C [REDACTED]

REASONS FOR DECISION

Hearing Date: August 27, 2024

Members of the Panel:

Cynthia Kuehl, Chair
Professor Ted Kessick, Faculty Panel Member
James Wang, Student Panel Member

Appearances:

Lilly Harmer Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Chloe Hendrie, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

Karen Bellinger, Associate Director, Office of Appeals, Discipline and Faculty Grievances

Not In Attendance:

Y [REDACTED] C [REDACTED]

1. This hearing of the Trial Division of the University Tribunal was convened on August 27, 2024, by Zoom, to consider charges of academic dishonesty (the “Charges”) brought by the University of Toronto (the “University”) against Y■■■■■ O■■■■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”). The Student was informed of the Charges by letter dated February 29, 2024.

The Charges

2. At the material times, the Student was registered as a student at the University of Toronto Mississauga (“UTM”).

3. In the Charges, the University made the following three allegations:

- (i) On or about December 1, 2022, the Student knowingly represented as his own an idea or expression of an idea or work of another in connection with his final paper titled “*Whether Surveillance Technology Services Chinese and US Community Under Pandemic Age*” (the “Paper”) in CCT109H5F: Contemporary Communication Technologies (the “Course”), contrary to section B.I.1(d) of the *Code*.
- (ii) In the alternative, on or about December 1, 2022, the Student knowingly obtained and/or provided unauthorized assistance in connection with his paper in the Course, contrary to sections B.I.(1)(b) and B.II.1. of the *Code*.
- (iii) In the alternative, on or about December 1, 2022, the Student 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 his paper in the Course, contrary to section B.I.3(b) of the *Code*.

4. Detailed particulars in support of the allegations were provided in the Charges.

5. The Provost advised that, if findings were made on allegation 1, it would withdraw allegations 2 and 3 of the Charges.

6. The Student did not attend the hearing and filed a consent with the Office of Appeals, Discipline and Faculty Grievances indicating that he was content for the matter

to proceed in his absence on the basis of a detailed Agreed Statement of Facts (“ASF”) executed by him on April 29, 2024. In light of the Student’s signed consent evidencing that the Student had notice of the hearing and had chosen not to attend, the hearing proceeded in his absence.

The Evidence on Offence

7. The evidence consisted solely of the ASF. It established that the Student registered initially at UTM in Fall 2021 and that, by March 1, 2024, the Student had earned 6.0 credits and had a cumulative GPA of 1.60. The last date of enrollment in courses was for the Winter 2023 session.

8. By email sent by the UTM Office of the Registrar in September 2022, the Student was informed that he had been placed on academic probation due to a low cumulative GPA. During Summer 2022, Student had enrolled in CCT109H5F: Contemporary Communication Technologies in which he had received a grade of C.

9. In Fall 2022, the Student re-enrolled in the Course, now taught by Professor Dan Guadagnolo. The Course syllabus contained a section on academic integrity, warning that the University treats cases of cheating and plagiarism very seriously. Links to the Code were provided, as were examples of potential academic offenses in papers and assignments if someone else’s words and ideas were used and handed off as a student’s own.

10. Among other assessments, students in the Course, including the Student, had to submit a five-page research paper, divided into parts. Part one required a bullet-point outline of the research paper, following which feedback would be provided by the teaching assistants (“TA”). Part two required the students to turn their outline into a five-page research paper and to write a short paragraph explaining changes made in response to the TA’s comments.

11. Students were directed to choose from a list of five possible topics and were required to read and integrate at least four of five scholarly sources that were listed in the

bibliography for the chosen topic. Research instructions were very specific in stating that a failure to respond to one of the pre-selected topics would result in a mark of zero.

12. The Student delivered his Part one submission on November 1. He received a grade of zero and was specifically advised by his TA that the reason for the zero was that he had not followed the assignment's instructions. The Student had provided a "reverse outline" for a specific article, rather than a proposal for the five-page essay. Further, his reverse outline received a 92% match on Ouriginal, which meant that the majority of the work was copied and pasted from the source. The Student was warned that this conduct could have resulted in a charge of academic misconduct.

13. On November 29, the Student sent three emails to the TA asking about his grade of zero and for another chance to resubmit his assignment. The TA advised that the Student should have followed-up much earlier as Part two was due later that week. The Student was encouraged to contact Professor Guadagnolo for further questions.

14. In his communications with Professor Guadagnolo, the Student noted that a mark of zero could get him kicked out of the University due to his previous low GPA. The Student needed a GPA of at least 1.70 to continue if his GPA was not already at or above 1.50. The Student asked Professor Guadagnolo for another chance. Professor Guadagnolo advised the Student that, as it was now two weeks since the grade on Part one was available, the best course of action for the Student was to "spend the weekend preparing a strong final paper" and to "study hard for the final exam."

15. On December 1, 2022, a day earlier than required, the Student submitted Part two, his research paper. The Paper was not, however, for one of the pre-selected topics. Moreover, the TA was concerned that the Student had purchased the Paper as (a) it contained writing and research sources that the TA did not believe the Student was capable of finding based on the work that they had done previously; (b) none of the sources were from the bibliography that was provided and which the Student was required to use; and (c) the metadata for the Paper listed another individual as the author.

16. Professor Guadagnolo shared the TA's concerns. Professor Guadagnolo tried to reach the Student in December 2022 and again in January 2023, but the Student did not respond to any of those emails. The Student's file was, accordingly, sent to UTM Academic Integrity.

17. The Student attended a meeting with the Dean's Designate on September 21, 2023. He was provided with the required warnings under the *Code*. The Student admitted he had not felt confident in the Course, that he had no motivation to write the Paper, and that he had turned to the internet for help. He acknowledged that he had purchased the Paper from an online service that writes papers for Chinese students, paying \$500 in Chinese currency to the online service. The Dean's Designate advised the Student that, because the Student had purchased the Paper, his case would be forwarded to the University Tribunal.

18. In the ASF, the Student admitted that he had purchased the Paper from an online source and had not done any meaningful academic work on the Paper. He acknowledged that he had committed plagiarism, and that he had obtained unauthorized assistance. He further acknowledged that this was a form of cheating, academic dishonesty or misconduct.

The Panel's Findings on Offence

19. Having reviewed the evidence in the ASF, including the admissions of the Student and upon hearing the submissions of counsel for the Provost, the Panel found that the Provost had met its burden to establish that the Student committed an academic offence in that he had knowingly represented as his own an idea or expression of another in respect of the Paper in the Course.

20. The evidence in this regard was clear and convincing. The Student's admission to purchasing the Paper was unequivocal. Further, the Provost did not have to establish the identity of the source but only that it was not the Student. The metadata from the Paper confirmed that he was not its author. In addition, the Student did not follow the Course instructions, which had specifically required him to use a pre-selected topic and pre-

selected bibliography. The fact that he failed to do so, and then submitted a Paper which was not of consistent quality with his other work, was further evidence that the Paper was not one that he had authored.

21. As a result, the Panel found that the Provost had established allegation one of the Charges. Having been advised of these findings, the Provost withdrew allegations 2 and 3.

Sanction

22. The Provost and the Student advised that they had agreed to a Joint Submission on Penalty ("JSP"), pursuant to which the Panel would impose the following sanctions on the Student:

- a. final grade of zero in the Course;
- b. suspension from the University for five years as of the date of the Order;
and,
- c. notation of the sanction on the Student's academic record and transcript for six years from the date of the Order.

23. The JSP further contained an agreement that the case would 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.

The Evidence on Sanction

24. No further evidence was led in respect of the appropriate sanction.

The Decision of the Panel on Sanction

25. The Panel heard submissions from the Provost regarding the appropriateness of the sanction. The Panel noted that, pursuant to the jurisprudence regarding joint submissions, the Panel ought not to impose a different sanction than agreed-to by the parties unless to do so would bring the administration of the Tribunal into disrepute or be contrary to the public interest. As noted by the Discipline Appeals Board in *University of*

Toronto and M.A. (Case No. 837, December 22, 2016) at paragraph 25, “this test ... means that the joint submission must be measured against the understood and entrenched values and behaviours which members of the University community are expected to uphold. Only if the joint submission is fundamentally offensive to these values, may it be rejected.”

26. The Panel found that this test was not met in the circumstances of this case and made the Order as submitted jointly by the parties.

27. In coming to its determination, the Panel carefully considered the sanctioning factors set out in the *University of Toronto and Mr. C* (File No. 1976/77-3, November 5, 1976) as follows:

(a) *The character of the student.*

28. The Panel noted that there is an absence of extenuating circumstances that would explain the conduct of the Student in acting the way that he did. However, the Student clearly demonstrated insight into his actions. He acknowledged at the first opportunity with the Dean’s Designate that he had committed academic misconduct. Provost’s counsel submitted that the Student had been cooperative throughout and the Panel noted that the ASF was executed months in advance of the hearing, consistent with that level of cooperation. All of these factors demonstrated that the character of the Student was a factor that should be considered positively in reviewing the appropriate sanction.

(b) *The likelihood of a repetition of the offence.*

29. The Student has no prior record of academic offences. The Provost submitted however, the Student had been given a second chance when the concerns about Part one of the assignment led only to a grade of zero and not a charge of academic misconduct. This conduct was, according to the Provost, relevant to the Student’s likelihood to repeat the offence or another offence as he had, in essence, committed two in quick succession in the Course.

30. The Panel did not accept this submission. The impugned conduct was all within one course and in respect of one assignment. It was not something that had been seen

in the Student's past. Further, at his first opportunity with the Dean's Designate, the Student admitted his guilt. This level of remorse mitigated against a likelihood of repetition.

(c) *Nature of offence and general deterrent.*

31. These two factors, though separated in the *Mr. C.* case, are interrelated in a case like this, which involves, in essence, plagiarism. Plagiarism is a significant academic offence. The University must be able to trust that students will complete research and work on their own as part of its accreditation process.

32. The purchase of academic work is one of the most egregious offences as it requires a degree of planning. The offence is not one that occurs in a split moment of poor judgment but is executed deliberately. As stated by the Discipline Appeals Board in para 104 of the *University of Toronto and S.C., N.H, M.K.*, (Case No. 596, 597, 598, November 23, 2011):

purchasing academic work for a fee and then submitting that work with a view to securing academic credit, has always been considered among the very most... 'egregious' offences a student can commit in the University environment. There are a number of reasons for this. First, in taking these steps, there is clear evidence of intention, deliberation, knowing deception, both in the planning, managing and completion of the offence, all of which occurs over a period of time, as in this case. As well, the act of paying for the services of another in this context introduces a commercial element into the relationship, of a student with the University, a factor very distant from the core values of an academic institution, where individual effort, intellectual thought and hard work are the hallmarks.

33. Similar considerations are reflected in the decision in the *University of Toronto and Y.W.* (Case No. 990, September 12, 2019), where this Tribunal repeated that the deception inherent when a student purchases a paper is one of the reasons why it is considered one of the most serious offences. As a matter of general deterrence, it should be made clear that such deception aimed at the University will not be tolerated. In the

result, expulsion is often considered as reflected in the Provost's sanction guidelines in the Code, Appendix C.

(d) Any extenuating circumstances surrounding the commission of the offence.

34. While the Student did admit guilt at an early opportunity, there was no explicit explanation as to why the Student engaged in academic misconduct. The evidence, including his emails to the TA and Professor, supported that the Student was under some considerable stress about the fact that he was already on academic probation. Rather than take advantage of the opportunity given to him, the Student instead exercised incredibly poor judgment by purchasing the Paper rather than put in the time and energy to try to bring up his own grade.

(e) The detriment of the University occasioned by the offence.

35. The integrity of the University, and the value of the degrees it confers, is undermined when students engage in academic misconduct. It has a potential impact on the University's reputation in the community. In doing so, it also threatens the value of the degrees achieved by other students.

36. In considering these factors, the Panel also noted that there should also be a general consistency in the approach of a Panel to sanction, so that students are treated fairly and equitably. Accordingly, in addition to the factors reviewed above, the Panel carefully considered the reasonable range of sanction dispositions as set out in the various authorities put before it by the Provost.

37. In particular, the Panel noted that, in the absence of mitigating circumstances, this type of academic misconduct would often result in the expulsion of the student. Early admission and cooperation, however, often reduced the sanction from an expulsion to a five-year suspension with a longer notation. The Panel noted that these principles also apply here and would similarly warrant a suspension, not a recommendation for expulsion.

38. The suspension itself is lengthy. The Panel is aware that the Student is quite young and exhibited incredibly poor judgment. The Panel wanted to be sympathetic to the fact

that the Student was in academic stress. However, ultimately, the Student made a conscious decision to purchase a paper. This type of conduct consistently warrants at least a lengthy suspension based on the factors in *Mr. C* applied to the individual circumstances of this case. But for the fact that the Student cooperated as often and as quickly as he did, expulsion would have had to have been considered here. Instead, based on the application of the sanction factors and the law, the Panel agreed that a lengthy suspension would not bring disrepute to the administration of this Tribunal.

39. Accordingly, the Panel agrees that the JSP is appropriate in the circumstances. At the conclusion of the hearing, the Panel made the following Order:

- a. That the hearing may proceed in the Student's absence;
- b. That the Student is guilty of one count of knowingly representing as one's own any idea, or expression of an idea, or work of another in an academic exam or term test in connection with any other form of academic work, contrary to section B.I.1(d) of the Code;
- c. That the following sanctions shall be imposed on the Student:
 - i. a final grade of zero in CCT109H5F: Contemporary Communication Technologies in Fall 2022;
 - ii. a suspension from the University for five years from the date of this Order; and
 - iii. a notation of this sanction on the Student's academic record and transcript for six years from the date of this Order.
- d. That 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:

Cynthia Kuehl, Chair
on behalf of the Panel