

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on January 11, 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] Z [REDACTED]**

**REASONS FOR DECISION**

**Hearing Date:** October 15, 2024, via Zoom

**Members of the Panel:**

Simon Clements, Chair

Professor Marvin Zuker, Faculty Panel Member

Kathy Haddadkar-Ghavi, Student Panel Member

**Appearances:**

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

Sonia Patel, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

**Hearing Secretary:**

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

**Not In Attendance:**

**Y [REDACTED] Z [REDACTED]**



4. On October 3, 2024, Ms. Bruno provided Ms. Botelho's office with a copy of the Student's academic record indicating that the Student was last enrolled in courses in Winter 2024.
5. On October 3, 2024, Ms. Bruno provided Ms. Botelho's office with a copy of the Student's Student Web Services ("SWS") Activity Log. According to the Student's SWS Log, the Student last logged into his ACORN (Accessible Campus Online Resource Network) account on September 4, 2024.

***B. Contact with the Student***

6. On January 11, 2024, the Office of the Vice-Provost, Faculty and Academic Life issued the charges in this matter to the Student by email to the ROSI email. On the same day, the Office of Appeals, Discipline & Faculty Grievances ("ADFG Office") sent the Student a letter about the charges and a pamphlet for Downtown Legal Services.
7. On February 12, 2024, Ms. Patel emailed the Student about scheduling a hearing date on April 16, 2024.
8. On February 16, 2024, the Student replied to Ms. Patel's email indicating that he was trying to find a lawyer to assist him. Following this communication Ms. Patel followed up with the Student numerous times for the name of the lawyer and in order to schedule the hearing. The last email from the Student was on May 27, 2024 at which time he said that he was still looking for a lawyer.
9. On February 12, 2024, Ms. Patel emailed the Student about scheduling a hearing date on April 16, 2024.
10. On February 16, 2024, the Student replied to Ms. Patel's email indicating that he was trying to find a lawyer to assist him. Following this communication, Ms. Patel followed up with the Student numerous times for the name of the lawyer and in order to schedule the hearing. The last email from the Student was on May 27, 2024 at which time he said that he was still looking for a lawyer.
11. On August 14, 2024, Ms. Patel sent the Student another email in which she advised him she intended to request that a hearing be scheduled for October 15, 2024 at 1:45 pm. unless he advised that he was not available on this date. Ms. Patel asked the Student to provide his availability for this date by August 21, failing which she would request that a hearing be

scheduled.

12. On August 21, 2024, Ms. Patel emailed the ADFG Office to request that a virtual hearing be scheduled for October 15, 2024, at 1:45 pm. The Student was copied on this email.
13. On August 22, 2024, the ADFG Office issued a Notice of Virtual Hearing for a hearing to take place via Zoom on October 15, 2024, at 1:45 pm. The ADFG Office sent the notice to the Student at the ROSI email.
14. Ms. Botelho's evidence is that the Student had not contacted her office since his email to Ms. Patel on May 27, 2024, and her office had not received any indication from the Student that he was unable to attend the hearing scheduled for October 15, 2024.
15. The University submitted the affidavit of Mr. Andrew Wagg affirmed on October 3, 2024. Mr. Wagg is the Manager, Incident Response at Information Security, Information Technology Services at the University of Toronto. Information Technology Services provides many services to the University of Toronto, including management of the email accounts used by students. To access an email account, one needs to input both the user's login ID and the password for that account. The Microsoft 365 Exchange portal automatically records the last time someone accessed a particular university-issued email account. This is denoted with the code "LastUserActionTime." The LastUserActionTime log only updates when someone logs in to a university-issued email account.
16. On October 1, 2024, Mr. Wagg checked the portal records and determined the last time someone accessed the email account for the Student was on September 30, 2024 at 6:19 AM, local Toronto time.

### ***C. Decision***

17. The *Rules of Practice and Procedure* (the "Rules"), rule 13 states a notice of hearing may be served on a student by various means, including by sending a copy of the document by courier to the student's mailing address in ROSI or by emailing a copy of the document to the student's email address in ROSI.
18. The University's *Policy on Official Correspondence with Students* expressly states that students are responsible for maintaining a current and valid postal address and email account on ROSI. Students are expected to monitor and retrieve all mail, including emails, on a frequent and consistent basis.

19. The onus of proof is on the University to demonstrate that it provided a student with reasonable notice of the hearing. Rule 17 of the Rules states that “[t]he Secretary shall provide the University with reasonable notice of a hearing and shall deliver such notice to the student’s last known ROSI email address. Discipline Counsel shall establish that reasonable notice of the hearing has been provided to the student”. Rule 21 goes on to state that “[w]here notice of a virtual hearing, an in-person hearing, a hybrid hearing, or a written hearing has been given to a party in accordance with this Part, and the party does not attend at or does not participate in the hearing, the panel may proceed in the absence of the party or without the party’s participation and the party is not entitled to any further notice in the proceeding”. This wording tracks the statutory provision in the *Statutory Powers Procedure Act* (the “Act”) section 7(3).
20. In this case, the University provided reasonable notice to the Student. The evidence shows that the Student initially responded in February 2024 to an email sent to his email address in ROSI and continued to engage with Ms. Patel until May 27, 2024. The Student then appears to have chosen not to engage further with the University. The Student did not respond to further emails sent to the same email address which he had responded from before. The evidence also shows that the Student last accessed the email address in ROSI on September 30, 2024, by which time the charges and the Notice of Virtual Hearing had already been sent to that address.
21. For these reasons, the Tribunal determined that it would proceed with the hearing in the absence of the Student.

### **The Charges and Particulars**

22. The charges and particulars are as follows:
  1. On or about June 16, 2022, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in a paper titled “On the Technological Control of Capital in the Age of Digital Media and The Tyranny of Labor Relations in the Take-away Industry” (the “Paper”), which you submitted in partial completion of the requirements of CCT109H5F: Contemporary Communication Technologies (the “Course”), contrary to section B.I.1(d) of the *Code*.
  2. In the alternative, on or about June 16, 2022, you knowingly obtained unauthorized assistance in connection with the Paper, which you submitted in partial completion of the

requirements for the Course, contrary to section B.I.1(b) of the *Code*.

3. In the further alternative, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code* to obtain academic credit or other academic advantage of any kind in the Course in connection with the Paper, contrary to section B.I.3(b) of the *Code*.

**The particulars related to the charges are as follows:**

1. At all material times, you were a registered student at the University of Toronto Mississauga. In Summer 2022, you enrolled in the Course.
2. One of the requirements of the Course was to submit a five-page paper, which was worth 10% of your final grade in the Course. You were required to complete the Paper independently.
3. You submitted the Paper on or about June 16, 2022, to fulfill this requirement.
4. You purchased the Paper, or part of it, from a third party and then knowingly submitted it in your name.
5. You knowingly included the ideas, expression of ideas, and/or words of another in the Paper you submitted. You knowingly represented the work of other persons as your own.
6. By taking ideas, expressions of ideas, and/or or words from a third party, you knowingly obtained unauthorized assistance from the Source in connection with the Paper.
7. You obtained unauthorized assistance with the Paper.
8. You knowingly submitted the Paper with the intention that the University of Toronto Mississauga rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.

**The Merits**

23. The University submitted the affidavit of Professor Aidan Moir who was the teacher of CCT109H5F. In addition, Professor Moir was sworn in and gave *viva voce* evidence. Professor Moir is an Assistant Professor in the Department of Communication, Media and Film at the University of Windsor. From January to June 2022, he was a Sessional Lecturer at the University of Toronto Mississauga (“UTM”).

**A.     *The Course***

24. In Summer 2022, Professor Moir taught CCT109H5F: Contemporary Communication Technologies (the “Course”). The Student was a student in the Course.
25. The Course syllabus emphasized the importance of academic integrity. On p. 4, the syllabus included a section titled “Academic Integrity” which stated:

Academic integrity is essential to the pursuit of learning and scholarship in a university, and to ensuring that a degree from the University of Toronto is a strong signal of each student’s individual academic achievement. As a result, the University treats cases of cheating and plagiarism very seriously. The University of Toronto’s Code of Behaviour on Academic Matters ([www.governingcouncil.utoronto.ca/policies/behaveac.htm](http://www.governingcouncil.utoronto.ca/policies/behaveac.htm)) outlines the behaviours that constitute academic dishonesty and the processes for addressing academic offences. Potential offences include, but are not limited to:

*In papers and assignments:*

- a. Using someone else’s ideas or words without appropriate acknowledgement.
- b. Submitting your own work in more than one course without the permission of the instructor.
- c. Making up sources or facts.
- d. Obtaining or providing unauthorized assistance on any assignment.

...

All suspected cases of academic dishonesty will be investigated following procedures outlined in the Code of Behaviour on Academic Matters. You are instructed to read the following for more information: <http://www.utm.utoronto.ca/academicintegrity/office-dean-academic-integrity> and <http://academicintegrity.utoronto.ca/>.

**B.     *The Paper***

26. Students in the Course were required to submit a 5-page paper worth 25% of the final grade (the “Paper”). The Paper was due on June 14, 2022.
27. The instructions for the Paper asked students to choose one of five essay questions to answer. Students were expected to answer their selected question by engaging with Course readings, concepts, and terms. For each essay question option, Professor Moir provided students with a pre-selected bibliography of relevant sources. Students were required to include at least three scholarly sources and were allowed to rely on the pre-selected bibliographies (or, if they preferred, to use relevant outside scholarly sources). In either case, students were required to cite any sources or examples (such as a social media post or news story) that they

relied on and were warned that failing to do so would be a breach of academic integrity.

28. The Student submitted their Paper, titled “On the Technological Control of Capital in the Age of Digital Media and The Tyranny of Labor Relations in the Take-away Industry”, on or around June 16, 2022.
29. Along with the Paper, the Student submitted a signed and dated copy of an academic integrity checklist in which they affirmed that the assignment they were submitting represented entirely their own efforts; that they had acknowledged the words, ideas, and work of others with citations, quotations, and appropriate paraphrasing; that they had made all changes, including grammar correction, entirely on their own; and that they understood the consequences of violating the University of Toronto’s academic integrity policies as outlined in the *Code of Behaviour on Academic Matters*.
30. Upon reviewing the Student’s Paper, Professor Moir became concerned that he had not written it independently. First, the Paper did not appear to answer any of the essay questions or utilize any of the Course materials. Instead, the Student had cited nine external sources (far beyond the three that were required), none of which were in any of the pre-selected bibliographies.
31. Professor Moir also compared the Student’s Paper to a reading response that they had submitted about a month earlier. In his opinion, the Paper was quite different in tone and style from this previous assignment and used more polished language than the reading response, with fewer typos.
32. Finally, the formatting differed between the two assignments. For example, while the reading response was double-spaced, the Paper was single-spaced. The Paper had a title page, while the reading response did not. The two assignments also used different text colours. Professor Moir testified that in his experience, students generally keep the same formatting in their assignments throughout the term.
33. On June 29, 2022, Professor Moir sent the Student an email asking to schedule a virtual meeting to discuss their Paper. The Student replied a few minutes later and said they were travelling without a computer. As a result, they were unable to meet.
34. As he was not able to meet with the Student and had unresolved academic integrity concerns about his Paper, Professor Moir referred the matter to the Office of the Dean at UTM for



further action.

35. The University submitted the Affidavit of Professor Charles Elkabas who serves as a Dean's Designate for Academic Integrity with the UTM Office of the Dean. The UTM Academic Integrity Unit ("AIU") in the Office of the Dean is responsible for investigating allegations of academic misconduct and arranging for students who are facing such allegations to meet with the Dean or Dean's Designate, in accordance with the process set out in the Code.
36. AIU received a report alleging that the Student had obtained unauthorized assistance to complete the Paper that he had submitted for credit in the Course.

***C. Dean's Designate meeting***

37. On February 9, 2023, Professor Elkabas met with the Student via Zoom to discuss the alleged academic misconduct.
38. At the start of the meeting, he gave the Student the caution that he is required to provide under the Code.
39. After confirming that the Student understood the caution, Professor Elkabas proceeded to ask him some questions about the allegations including whether he had received help with his Paper. The Student said yes. When Professor Elkabas asked who had helped him, he said it was a person on the Internet and explained that he had used Google and a Chinese website to find this person, who he described as a "writer and author". The Student said that he had asked this person how to write the Paper and that they had provided some "opinions" on sentences to help him write it. The Student initially denied that the person online had written the whole paper.
40. Professor Elkabas then proceeded to ask the Student some questions about the content of the Paper. The Student was not able to answer any questions regarding which question the paper was intended to answer, nor about the meaning of what was written in the paper.
41. Professor Elkabas screenshared the Student's academic integrity checklist with him. The Student confirmed that he had signed this checklist. However, when he asked the Student if the work he had presented was his own personal work, as he had claimed in the checklist, he said no.
42. Professor Elkabas asked the Student again whether he had written this Paper and he responded, "oh, I just copied the paper." Professor Elkabas asked the Student to clarify

whether someone had helped him or written the Paper for him and he responded that someone had sent it to him. The Student said that the person who sent the Paper to him was someone on the internet and that he did not know their name.

43. Finally, Professor Elkabas asked the Student how much he had paid for the Paper and he said he had forgotten. He asked the Student to tell him approximately how much he had paid and asked for an idea of the amount in Chinese currency. The Student responded, “maybe 1000 or 2000.”
44. At the conclusion of the meeting, Professor Elkabas asked the Student how he would like to plead. He said that he pleaded guilty.

### **Decision on the Merits**

45. The test is whether, in submitting the paper, the Student knowingly represented as his own the ideas of another. The onus is on the University to prove this allegation on a balance of probabilities through clear and convincing evidence. Here the Student admitted in the Dean’s meeting that the work was not his own. He copied a paper that was sent to him from someone he contacted on the Internet and he paid for the paper. In the Dean’s meeting the Student was not able to explain 20 different terms that were used in the paper. The Student gave these admissions after he was given the caution in the Dean’s meeting that any admissions he made could be used against him in a subsequent hearing.
46. Based on the fact that the paper was clearly not written by the same person who had handed in a previous assignment in the Course, that the Student was unable to explain what question he was intending to answer on the assignment, and was unable to explain the terms contained in the paper, it is more probable than not that the Student did not write the paper. The Student’s admission of guilt confirmed that finding.
47. Accordingly, the Tribunal makes a finding of guilt on Charge 1 and the University will withdraw the balance of the Charges.

### **Penalty**

48. The matter continued with a hearing on the appropriate sanction. Additional evidence was submitted by the University that the Student had one prior academic offence. According to

SAI's records, the Student had committed one prior academic offence in MAT133Y5Y in the Fall of 2021 by using an unauthorized aid in a term test worth 10% of the final grade. The Student received a grade of zero in the course.

49. The Code provides that upon conviction, the Tribunal may order that a student be suspended for a period of up to five years and may recommend that a student be expelled. In this case, the University is asking the Tribunal to recommend that the Student be expelled. At the Tribunal level, absent exceptional circumstances, the University will ask that a student be expelled where the offence is that the student has purchased work and submitted it as their own.
50. The Tribunal was asked to consider the *University of Toronto and Mr. C.* factors (Case No. 1976-7-3, November 5, 1976), long recognized as the leading decision on sentencing principles. These factors are:
  - (a) the character of the person charged;
  - (b) the likelihood of 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 by the offence; and
  - (f) the need to deter others from committing a similar offence.
51. The Student did not participate in any aspect of the discipline proceeding, nor did the Student attend the hearing. Ignoring the discipline process is suggestive of a disregard for the seriousness of the conduct the Student engaged in, which was an act of deliberate dishonesty. Even though the Student admitted to committing the offence in the Dean's meeting, that is not a mitigating factor. As the Student disregarded the discipline process, there is no evidence of extenuating circumstances, and nothing to suggest that any leniency should be shown to the Student.
52. There is a serious risk that the Student would offend again, given the opportunity to do so. The Student committed his first offences in the Fall of 2021. The Student committed the subject offence in June 2022. The risk that the Student will offend again, given the repeated offences is high.

53. The Tribunal was directed to the Discipline Appeals Board decision in *University of Toronto and S.C., N.R.H. & M.K.K.* (Case Nos. 596, 597 & 598, November 23, 2011). There, the DAB indicated that the proper approach in a purchased essay case such as this is to presume that the sanction is expulsion, and then determine if there are any extenuating or mitigating factors that would make a lesser penalty appropriate in the circumstances of the case. In this case, there is no evidence of any extenuating factors as the Student did not participate in the discipline process. Not only is there no evidence of extenuating factors, the University relies on the decision of the Tribunal in *University of Toronto and J.W.* (Case No. 1082, August 23, 2019) at paragraph 23 where the Tribunal noted that a prior offence is typically considered an aggravating factor that tips the scale in favour of expulsion in purchased essay cases.
54. The detriment to the University and need for deterrence are the final two Mr. C factors. In *University of Toronto and A.T.* (Case No. 645, May 20, 2011), the Tribunal addressed the particular problem that the purchased essay presents to the University. The circumstances described there in 2011 are still germane today. At paragraphs 25 and 30, the Tribunal stated:

Plagiarism is a serious breach of the University's Code of Behaviour. In this case, the Student purchased a custom written essay from an essay writing services access on the Internet [*sic*] and submitted it as his own work. This has to be viewed as being at the most serious end of the spectrum of plagiarism. This type of offence is increasing in seriousness because of dramatic changes in technology and the ability of students to access materials such as this on the Internet. Technology is available to detect plagiarism, but it is very difficult to uncover assignments custom written specifically for a student. The commercial nature of these essay services has the potential to undermine seriously the grading process at the University. It also adds to the unseemly nature of this offence. ...

Purchased essays provide a convenient way for students to short circuit their expected workload. This is an industry that is based on deceit. This threatens the fabric of the university grading system. It creates an uneven playing field and creates unfairness to the students who play by the rules and do not have the means to purchase their way to a degree. It also encourages the proliferation of this kind of commercial enterprise. The University is very vulnerable to this kind of commercial activity.

55. Serial cheating of the type that the Student has engaged in causes irreparable harm to the academic relationship between the University and its students. The sanctity of this relationship is recognized in the preamble to the Code, which states:

This Code is concerned, then, with the responsibilities of faculty members and students, not as they belong to administrative or professional or social groups, but as they co-operate in all phases of the teaching and learning relationship.

Such co-operation is threatened when teacher or student forsakes respect for the other--and for others involved in learning--in favour of self-interest, when truth becomes a hostage of expediency. On behalf of teacher and student and in fulfillment of its own principles and ideals, the University has a responsibility to ensure that academic achievement is not obscured or undermined by cheating or misrepresentation, that the evaluative process meets the highest standards of fairness and honesty, and that malevolent or even mischievous disruption is not allowed to threaten the educational process (emphasis added).

56. It is not possible for the University to fulfil its responsibility to the University community if the Student is allowed to remain at the University having demonstrated that he does not adhere to the standards of fairness and honesty to which all students at the University are held. The Student cannot be trusted to follow the rules. The academic relationship between the Student and the University has been irreparably broken. For these reasons, the Tribunal recommends that the Student be expelled.

Dated at Toronto this 10<sup>th</sup> day of January 2025,

Original signed by:

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Simon Clements, Chair  
On behalf of the Panel