

**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 -

M [REDACTED] Q [REDACTED]

REASONS FOR DECISION

Hearing Date: October 29, 2024, via Zoom

Members of the Panel:

Cynthia Kuehl, Chair
Professor Michael Saini, Faculty Panel Member
Ariana Abbaszadeh, Student Panel Member

Appearances:

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

Hearing Secretary:

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

In Attendance:

M [REDACTED] Q [REDACTED]

1. This hearing of the Trial Division of the University Tribunal was convened on October 29, 2024, by Zoom, to consider charges of academic dishonesty (the “Charges”) brought by the University of Toronto (the “University”) against M■■■■ Q■■■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 2019* (the “Code”). The Student was informed of the Charges by letter dated January 11, 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 six allegations:

- (i) On or about February 14, 2022, the Student knowingly obtained unauthorized assistance in connection with Term Test 1 in FSC101HS, contrary to section B.I.1(b) of the Code.
- (ii) In the alternative to charge 1, on or about February 14, 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 Term Test 1 in FSC101HS, contrary to section B.I.3(b) of the Code.
- (iii) On or about March 24, 2022, the Student knowingly represented as her own an idea or expression of an idea or work of another in the Analytical Essay that she submitted in SOC109H5, contrary to section B.I.1(d) of the Code.
- (iv) In the alternative to charge 3, on or about March 24, 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 the Analytical Essay in the SOC109H5, contrary to section B.I.3(b) of the Code.

- (v) On or about November 23, 2022, the Student knowingly represented as her own an idea or expression of an idea or work of another in the Analytical Essay that she submitted in SOC109H5F, contrary to section B.I.1(d) of the Code.
 - (vi) In the alternative to charge 5, on or about November 23, 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 the Analytical Essay in the SOC109H5F, 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 Charges 1, 3 and 5 were the primary allegations and that, if findings were made in respect of them, the Provost would withdraw allegations 2, 4 and 6 of the Charges.

The Evidence on Offence

6. The evidence on offence consisted of an Agreed Statement of Facts.
7. The Agreed Statement of Facts established that the Student had been a student at UTM at all material times. In winter 2022, the Student was enrolled in FSC101HS. Evaluation in that course included two Term Tests, worth 35% each.
8. The Term Tests were conducted over the Quercus web-based platform, which provides a “virtual classroom” for students to access course content, submit assignments and interact with each other and professors.
9. Clear rules were established for the accessing of Term Tests on Quercus. The course syllabus indicated that quizzes and tests, including those administered on Quercus, were not open book and no aids were permitted. Students were not permitted to leave the test page to navigate to a different tab or window until they had completed and submitted their tests. Quercus maintains a log to record online activities.

10. Term Test 1 was held online on February 14, 2022. The test instructions reminded students that it was not open book, that no aids were permitted, and that it would be considered an academic integrity violation if they left the Quercus test page during the test for any reason.

11. The Student started Term Test 1 at 6:40 p.m., and submitted it at 7:49 p.m. In the intervening period, the Student left the Quercus test page 93 times, in violation of the requirement that she not do so. When asked by the professor to meet to discuss these concerns, the Student did not respond.

12. In winter 2022, the Student was also enrolled in SOC109H5. The syllabus for that course indicated that the students would be evaluated on the basis of, among other things, an analytical essay that was worth 30% of their grade. The syllabus was clear that students were expected to cite sources in all written work and presentations and provided a link to a citation guide. The syllabus noted that plagiarism is a form of academic misconduct that would not be tolerated and provided a referral to the online resource from the University entitled "How Not to Plagiarize".

13. These instructions were reiterated in the instructions for the analytical essay itself, which stated that the students must cite all statements of fact using the ASA 6th Edition Formatting Guide.

14. On March 23, 2022, the Student submitted the analytical essay on the topic of intimate partner violence. Ouriginal, a text-matching software, flagged the essay because it contained text that matched another source with a 72% similarity index. The professor reviewed the essay and found a great deal of similarity with the contents of an article published in the Journal of Women's Health. That source was not referenced anywhere in the March 2022 essay.

15. The Agreed Statement of Facts included a chart of comparison between the March 2022 essay to portions of the article. Very similar words and ideas were contained in the essay as was in the article, although some of the words in the essay were changed to synonyms or words with a very similar meaning to those in the article. According to the

Agreed Statement of Facts, this practice had the effect of masking that the essay tracked the words and ideas of the article very closely.

16. In fall 2022, the Student enrolled in the course again. The syllabus, like the one from winter 2022, stated that, in completing an analytical essay now worth 35% of their final grade in the course, students were expected to cite sources in all written work and presentations, and referenced the citation guide. The syllabus also referred to the online resource and stated again that plagiarism is a form of academic misconduct that would not be tolerated. The instructions for the essay reiterated these statements.

17. On November 23, 2022, the Student submitted her analytical essay on the topic of child sexual abuse. Again, Ouriginal flagged the essay as containing text that matched an external source with a 46% similarity index. The professors reviewed the essay and found significant similarities to an article published in the Canadian Journal of Criminology and Criminal Justice. Though the Student had included the article in two citations in the essay, it was not properly cited for other statements, ideas and propositions.

18. The Agreed Statement of Facts contained a chart with highlighted sections from the essay with unattributed texts and passages very similar to the article. As previously, many synonyms were used by the Student in the November 2022 essay to mask the fact that most of the words and ideas were taken from the article without appropriate attribution.

19. Despite requests to meet with the course instructor, the Student did not respond.

20. A dean's designate meeting was held on June 12, 2023, to discuss the allegations that academic offences had been committed in FSC101HS, SOC109H5 and SOC109H5F. The Student denied committing academic offences in respect of each but did acknowledge that she reviewed her notes during the test in FSC101HS, and that she did not cite properly in either of her essays.

21. In the Agreed Statement of Facts, the Student admitted that she knew or ought to have known that the Term Test in FSC101HS was closed book with no aids allowed, that

she was required to remain on the test page in Quercus without leaving it for the duration of the exam and that doing so would be an academic integrity violation. She also confirmed that she left the test page to refer to her notes on numerous occasions and that she knew or ought to have known that she had obtained unauthorized assistance and used an unauthorized aid in the Term Test.

22. With respect to both the March and November essays, she admitted that she knew or ought to have known that she was required to properly cite the ideas or expressions of ideas or works of others, that she changed many of the words and phrases in her essays to attempt to mask the fact that the words and ideas were not hers and were taken from articles without attribution in an attempt to avoid detection, that she had submitted the essays for academic credit in her own name as if they were her own independent work containing her own words and ideas when they did not, and that she knew or ought to have known that her representation of these ideas or expressions of ideas of others in the essays contravened the Code.

23. The Student admitted that she knew or ought to have known that she 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 in connection with each of the three courses.

The Panel's Findings on Offence

24. Having reviewed the evidence in the Agreed Statement of Facts, 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 had committed academic offences as set out in Charges 1, 3 and 5.

25. The evidence was clear and convincing. The Student admitted in the dean's designate meeting that, in respect of the Term Test, she had reviewed her notes. She reiterated this in the Agreed Statement of Facts. This was supported by the log from Quercus which demonstrated that she had left the test page 93 times. The syllabus was

clear that this was not an open book examination, that no aids could be used, and that leaving the test page in and of itself would be an academic integrity violation.

26. With respect to the two essays, the Student acknowledged that the syllabus and essay instructions were clear that she was required to cite to source material, and that the failure to do so would be considered an act of plagiarism. Moreover, it is reasonable to expect that students would understand that they are not permitted to present the work of others as if it was their own. Here, there was ample evidence to support that the Student reasonably knew or ought to have known that a similarity rate of 46% or 72% to other works, without citation, would be considered a violation of academic integrity. The Student acknowledged as much in the Agreed Statement of Facts.

27. In addition, the Student admitted that she deliberately changed the language in the articles slightly through the use of synonyms in an attempt to hide her activity. Even without her admission, the charts in the Agreed Statement of Facts demonstrate the significant similarities. The only reasonable conclusion was that there was a failure to properly cite and an attempt to pass off the work of the authors of the articles as if the Student's own.

28. As a result of these findings, the Panel found that the Provost had established Charges 1, 3 and 5. Having been advised of these findings, the Provost withdrew Charges 2, 4 and 6.

Sanction

29. The Provost advised that it was seeking the following sanctions:

- a. final grades of zero in each of the Courses;
- b. a suspension from the University for four years from the date of the Order;
and,
- c. a notation of the sanction on the Student's academic record and transcript for five years from the date of the Order.

30. In addition, the Provost sought an order that the case 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.

31. The Provost advised that the Student agreed with the proposed sanction other than the notation, for which she was seeking a shorter period. Though the Provost argued that this was a partial joint submission for which the principles applicable to joint submissions ought to apply, there was no written joint submission on penalty nor were the public policy considerations for acceptance of a joint submission engaged where the sanction was only partially agreed to. For those reasons, the Panel considered the appropriateness of the sanction in its totality.

The Evidence on Sanction

32. The evidence on sanction came from two sources, an Agreed Statement of Facts for Sanction and the evidence of the Student.

33. The Agreed Statement of Facts for Sanction contained details of a prior offence by the Student. The Student admitted to committing plagiarism in a course in fall 2021, for which she received a zero on the assignment and a one-year notation on her transcript.

34. The Student also gave evidence during the sanction part of the hearing on two occasions. Prior to submissions, the Student testified that she was taking a course at the Chang School of Continuing Education at Toronto Metropolitan University ("TMU") and that she intended to start as a student at the University of Waterloo in January 2025. She confirmed that she had to complete one course to be considered for admission at Waterloo, but noted that the final examination of that course was scheduled for December 2024. She would then apply for the winter semester. On cross-examination, she confirmed that she was not yet admitted to Waterloo and that, if the timing for a January start did not work out, she would have to try to attend in spring 2025. She confirmed that she had provided her UTM transcript to TMU and Waterloo, and that the transcript would have to be updated.

35. After the Provost's submissions, the Student sought leave to make further submissions regarding her personal circumstances, including medical issues. Notwithstanding the absence of notice and that her request necessitated re-opening the evidentiary portion of the hearing, the Panel granted this request on the conditions that the Student would not provide evidence from any medical provider, that the Provost would be entitled to cross-examine on the new evidence in the normal course, and that the Provost could make further submissions. In doing so, the Panel noted that the Student was unrepresented and lacked knowledge about hearing procedure. Concerns about ensuring that she had adequate opportunity to put her evidence to the Panel were weighed against any prejudice to the Provost, resulting in the grant of the Student's request with conditions.

36. The Student explained that, in her first year, her education was affected first by her loss of her grandfather in September 2021 and later by the deaths of her best friend and three additional family members over the ensuing year. She had "no energy", could not eat or sleep, and did not study. In October 2022, she had another personal loss and stopped going to the university. She did poorly in school, which she indicated was unusual for her. Her mental state suffered. She confirmed on cross-examination that, notwithstanding these significant losses, she did not seek to take any time off school, nor did she seek medical care until 2023.

37. The Student explained that she had moved to Kitchener and was working on her mental health. Since 2023, she has been "working constantly" on herself. She acknowledged that what she did was wrong and accepted responsibility, but attributes her behaviour to being neither mentally nor emotionally fit to be at school.

The Decision of the Panel on Sanction

38. The Panel heard submissions from the Provost regarding the appropriateness of the sanction. Counsel for the Provost acknowledged that the Student had had a very difficult personal time and that the loss of her family members and friend were extenuating circumstances relevant to sanction. However, this did not change the fact that the

offences were quite serious, that the conduct was repeated, and that there was a need for deterrence.

39. Counsel noted that the sanction sought was within the range established by the caselaw and supported by a consideration of the relevant factors.

40. The Student confirmed that her primary concern was the length of notation, which she argued was particularly harsh given her attempts to move forward with her academic career. She noted that this was a past mistake that should not hold her back and that she had “learned (her) lesson.” She asked for a four-year notation or, if there was a need for a notation longer than the period of suspension, that the suspension be for three years, eight months with four-year notation.

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

(a) *The character of the student, and extenuating circumstances.*

42. The Panel expresses its sympathies to the Student for the losses of her family members and friend.

43. The evidence of these extenuating circumstances and her expression of remorse were considered by the Panel as mitigating factors. These factors were weighed against the repeated nature of the offences and the concerning intentionality of the misconduct. The Panel accepts the submissions of the Provost that this was not a single lapse of judgment but that the misconduct was extensive and deliberate, occurring after the Student had been given a second chance after her first offence. This speaks to the Student’s character and, overall, supports a lengthy suspension and notation.

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

44. The Student has committed four offences of academic misconduct in total. As was the case in *University of Toronto and M.T.* (Case No. 1391, December 16, 2022), the Panel is similarly concerned that two of these recent offences were for plagiarism after

the Student had admitted to committing the same academic offence in fall 2021. Moreover, the Student committed the two offences of plagiarism after being contacted by her professor to discuss her conduct during the Term Test. She knew or ought to have known of the gravity of her situation and the need that she conduct herself with a high level of academic integrity.

45. The Panel appreciates that the Student has expressed remorse and that she has explained that her conduct was precipitated by her mental and emotional state. Nonetheless, the Panel continues to have concern about the prospect of repetition either at UTM or some other institution.

(c) Nature of offence, general deterrence and the detriment to the University.

46. In this case, the Student committed two types of academic offences, both of which are very serious and have impacts on the University community and its reputation. Academic misconduct strikes at the heart of academic integrity and threatens to undermine the value placed on a degree from the University.

47. The use of unauthorized aids also creates an unfair playing field, whereby those engaged in academic misconduct seek an advantage not available to those students who abide by the rules and requirements. Plagiarism affects others outside of the immediate University community; students engaged in this type of academic misconduct attempt to pass off the work of others as their own. The Panel was alive to the reputational effect on the University in considering the appropriate sanction.

48. The cases submitted by the Provost support the reasonableness of the proposed sanction, including the length of the notation. Of note, at least as far back as the 2011 decision in *University of Toronto and K.P.* (Case No. 660, June 8, 2011), the length of notation has been consistently one year longer than the length of suspension. As explained by the Provost, the length of notation provides students with a probationary period upon their return to the university after the completion of suspension.

49. The Panel understands that the Student is anxious to resume her academic career and intends to pursue post-graduate work. The length of notation does not appear to be

preventing her, however, from pursuing her educational opportunities as demonstrated by her efforts at TMU and her intention to attend the University of Waterloo.

50. In balancing all the factors as outlined above, there is insufficient reason to deviate from the usual practice for the length of notation. There is good reason for the notation to extend beyond the length of suspension, to provide the appropriate notice to the university or any other institution of the academic misconduct.

51. Having considered these factors, the Panel agreed with the proposed Order of the Provost and made the following Order:

1. **ORDERS THAT** the Student is guilty of one count of obtaining unauthorized assistance in connection with an academic examination or term test or in connection with any other form of academic work, contrary to section B.I.1(b) of the Code;
2. **ORDERS THAT** the Student is guilty of two counts of knowingly representing as one's own any idea or expression of an idea or work of another in an academic examination or term test or in connection with any other form of academic work, contrary to section B.I.1(d) of the Code;
3. **ORDERS THAT** the following sanctions shall be imposed on the Student:
 - a. a final grade of zero in:
 - (i) FSC101H5S in Winter 2022;
 - (ii) SOC109H5S in Winter 2022; and
 - (iii) SOC109H5F in Fall 2022;
 - b. a suspension from the University of Toronto for four years from the date of the University Tribunal's Order; and
 - c. a notation of the sanction on the Student's academic record and transcript for five years from the date of the University Tribunal's Order.

4. **ORDERS THAT** this case shall be reported to the Provost for publication of a notice of the decision of the University Tribunal and the sanctions imposed, with the name of the Student withheld.

DATED at Toronto this 28th day of January, 2025.

Original signed by:

Cynthia Kuehl, Chair
On behalf of the Panel