

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on October 20, 2022 and revised on September 20, 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:

THE UNIVERSITY OF TORONTO

- and -

H [REDACTED] M [REDACTED]

Reasons for Decision

Hearing Dates: April 10, 2024, via Zoom
April 16, 2024, via Zoom
April 22, 2024, via Zoom
May 10, 2024, via Zoom
August 20, 2024, via Zoom
September 17, 2024, via Zoom

Members of the Panel:

Cheryl Woodin, Chair
Professor Michael Saini, Faculty Panel Member
Ben Kitching, Student Panel Member

Appearances:

William Webb, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
H [REDACTED] M [REDACTED]

Hearing Secretary:

Samanthe Huang, Coordinator & Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances

Overview and Result

1. The Trial Division of the University Tribunal was convened on April 10, 2024; April 16, 2024; April 22, 2024; May 10, 2024; August 20, 2024; and September 17, 2024, by videoconference, to consider charges of academic dishonesty brought by the University of Toronto (the “University”) against H■■■■ M■■■■ (the “Student”) under the *University of Toronto’s Code of Behaviour on Academic Matters, 2019* (the “Code”). ,
2. The Student was not represented but attended the hearing throughout.
3. The University and the Student prepared an Agreed Statement of Facts (“ASF”) in relation to some of the evidence heard by the Tribunal.
4. The University submitted the affidavit evidence of three witnesses: Kaitlyn Quinn, affirmed on August 11, 2023, Devin Oullette, affirmed on August 11, 2023, and Michelle Huang, affirmed on August 8, 2023. Mr. Oullette and Ms. Huang also provided *viva voce* evidence at the hearing.
5. The Student gave *viva voce* evidence in respect of the charges which he did not admit as well as regarding the penalties to be applied arising from findings of offence.
6. During the course of the hearing, the original Chair of the Panel was required to step down as a result of being appointed as a judge of the Ontario Superior Court. The findings of the Panel both with respect to liability and penalty were in all respects unanimous.
7. The Student was charged in accordance with revised charges of academic misconduct filed by the Provost on September 20, 2023 as follows:

SOC447H5S Charges

1. On or about January 28, 2022, you knowingly represented as your own an idea or expression of an idea or work of another in a written response in SOC447H5S, contrary to section B.I.1(d) of the *Code*.
2. In the alternative to Charge 1, on or about January 28, 2022, you knowingly obtained unauthorized assistance in connection with the first written response in SOC447H5S, contrary to section B.I.1(b) of the *Code*.
3. In the alternative to Charges 1 and 2, on or about January 28, 2022, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code* in order to obtain academic credit or other academic advantage of any kind in connection with the first written response in SOC447H5S, contrary to section B.I.3(b) of the *Code*.

POL320Y5S Charges

4. On or about February 2, 2022, you knowingly represented as your own an idea or expression of an idea or work of another in Essay #1 in POL320Y5S, contrary to section B.I.1(d) of the *Code*.
5. In the alternative to Charges 4 and 7, on or about February 2, 2022, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code* in order to obtain academic credit or other academic advantage of any kind in connection with Essay #1 in POL320Y5S, contrary to section B.I.3(b) of the *Code*.
6. On or about February 12, 2022, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the *Code* in order to obtain academic credit or other academic advantage of any kind in connection with Essay #1 in POL320Y5S, contrary to section B.I.3(b) of the *Code*.
7. On or about February 2, 2022, in connection with Essay #1 in POL320Y5S, you knowingly submitted academic work containing a purported statement of fact or reference to a source which has been concocted, contrary to section B.I.1(f) of the *Code*.

8. The University advised that it was seeking guilty verdicts on charges (1), (4), (6), and (7) and that charges (2), (3), (5) were in the alternative. The Student pled guilty to charge (1) but denied charges (4) through (7).
9. The Tribunal found the Student guilty of charges (1), (4), (6), and (7) as a result of which charges (2), (3) and (5) were withdrawn.
10. In the result, the Student was convicted of:
 - a. Two counts of knowingly representing an idea or expression of an idea or work of another as one's own, contrary to section B.I.1(d) of *the Code of Behaviour on Academic Matters*;
 - b. One count of knowingly engaging 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 of Behaviour on Academic Matters*; and
 - c. One count of concocting facts and references, contrary to B.I.1(f) of the *Code of Behaviour on Academic Matters*.
11. For the reasons provided below, the Tribunal imposed the following penalty:
 - a. A recommendation to the President of the University that the President recommend to the Governing Council that the Student be expelled from the University;
 - b. A suspension from the University for a period of up to five years from the date of the Tribunal's order or until Governing Council makes its decision on expulsion, whichever comes first, and that a corresponding notation be placed on the Student's academic record and transcript;
 - c. That the Student shall receive a final grade of zero in SOC447H5S in Winter 2022;

- d. That the Student shall receive a final grade of zero in POL320Y5S in Winter 2022; and
- e. That this case be reported to the Provost, with the Student's name withheld, for publication of a notice of the decision of the Tribunal and the sanctions imposed.

Decision of the Tribunal Regarding Offences

- 12. The Charges related to two separate incidents, one in SOC447H5S and the other in POL320Y5S.
- 13. In respect of these offences, the University must establish on a balance of probabilities through clear and convincing evidence that an academic offence has been committed by the Student.

SOC447H5S Offence

- 14. The first offence occurred while the Student was enrolled at the University in the course SOC447H5S. The following facts were established through the affidavit evidence of the instructor, Kaitlyn Quinn, whose evidence was accepted by the Student as true through the ASF:
 - a. On or about January 28, 2022, the Student submitted an assignment (the "SOC447 Written Response"), worth 20% of the course grade;
 - b. The assignment required students to analyze the increasing role of organizations in the criminal justice domain and the relationships between organizations and criminal justice institutions;
 - c. The Student's assignment was processed through "Turnitin" which is a program that detects similarities between student's submissions and sources in its database;

- d. Turnitin flagged a sentence in the assignment that another student had submitted and stated that this sentence had also appeared on a website called "Sweet Study";
 - e. Sweet Study advertises itself as a homework market where students can purchase original academic work;
 - f. The instructor found a user, believed to be the Student, who had uploaded the assignment instructions and received files in response which contained text that was virtually the same as the Student's submission for the assignment.
- 15. The Student met with Professor Quinn to discuss the allegations that he committed an academic offence in connection with the SOC447 Written Response on February 15, 2022. The Student admits that, shortly after he met with Professor Quinn:
 - a. [The Student] tried to withdraw from SOC447 in an attempt to avoid responsibility for committing an academic offence in connection with SOC447 Written Response; and
 - b. [The Student] removed the SOC447 Written Response from the internet in an attempt to avoid responsibility for committing an academic offence in connection with the SOC447 Written Response.
- 16. Professor Quinn escalated the case for further action.
- 17. On April 18, 2022, the Student met with Professor Catherine Seguin, a Dean's Designate for Academic Integrity via Zoom to discuss the allegations. The following facts were established through the evidence of Michelle Huang, who attended this meeting:
 - a. Professor Seguin informed the Student that he was entitled to seek advice, or to be accompanied by counsel to the meeting, before making, and was not obligated to make, any statement or admission, but that if he made any

statement in the meeting, it may be used or receivable as evidence against him in the hearing of any charge with respect to the alleged offence in question;

- b. The Student admitted to receiving help on the SOC447H5S assignment – specifically – he found cards at school with QR codes that advertised a service that helped students with essays, and he accessed the service by scanning the QR code through TikTok;
 - c. The Student admitted that they sent the assignment to someone who sent the completed assignment back to them, that the Student paid several hundred dollars for this assistance, and that the Student performed no meaningful academic work in connection with the SOC447H5S assignment;
 - d. Professor Seguin informed the Student that the matter would be referred to the Tribunal for resolution.
17. On the basis of this evidence, which was admitted by the Student, the University alleged that the Student committed plagiarism with respect to the SOC447H5S assignment and likely purchased the assignment from a third party.
18. The University's evidence was clear and unchallenged and therefore accepted by the Tribunal. The University established on a clear and convincing standard that the Student had submitted an essay containing ideas expressed as their own but were in fact from a third-party essay that the Student had paid for. This conduct constitutes knowingly representing as one's own the ideas or work of another person and therefore is an offence under the Code. Accordingly, the Tribunal found the Student guilty of knowingly representing as his own an idea or expression of an idea or work of another in a written response in SOC447H5S, contrary to section B.I.1(d) of the Code.

POL320Y5S Offences

19. The second incident occurred while the Student was enrolled at the University in the course POL320Y5S. The following facts were established through the affidavit and *viva voce* evidence of the teaching assistant, Devin Ouellette:
- a. The assignment in question was a text interpretive essay worth 25% of the Student's grade that was due on February 1, 2022. This essay required students to write a 1000-word analysis of a passage from one of four texts discussed in class;
 - b. On or about February 1, 2022, at 11:40 PM, the Student submitted an essay titled "Discourse on the Origin of Inequality" ("Essay 1.1");
 - c. On or about February 2, 2022, at 7:59 PM, the student submitted another essay to the same assignment titled "Habermas And Modernity" ("Essay 1.2");
 - d. Turnitin's plagiarism detection software flagged potential plagiarism in Essay 1.2 and reported that it was 62% similar to an online source;
 - e. The instructor reviewed the essay and discovered that the Student's paper had extensively copied from a paper by Fasil Merawi titled "Habermas and the Other Side of Modernity" (the "Merawi Paper");
 - f. The Student had copied virtually all of the ideas in their Essay 1.2 from the Merawi Paper, without any attribution. The Student made some changes to the syntax in his essay and made many changes to the word choice of the Merawi Paper by using synonyms, but clearly copied how the Merawi Paper articulated its ideas;
 - g. The Student also falsely attributed several quotations in his Essay 1.2 to Habermas's *The Philosophical Discourse of Modernity* when the ideas actually came from other sources discussed in the Merawi Paper;

- h. On or about February 12, 2022, at 8:42 PM the Student submitted a third essay to the same assignment, titled "Discourse on the Origin of Inequality" ("Essay 1.3");
 - i. Essay 1.3 was identical to Essay 1.1;
 - j. If it were not for the plagiarism concerns, Essay 1.1 and Essay 1.3 would have received a failing grade of 45/100 while Essay 1.2 would have received a passing grade of 60/100;
- 20. The teaching assistant escalated the matter to the course instructor and the matter was further escalated to the Dean's Designate.
- 21. The following facts were established through the affidavit and *viva voce* evidence of Michelle Huang, who attended the Dean's Designate meeting:
 - a. The Student met with Professor Catherine Seguin, the Dean's Designate, on April 18, 2022. This is the same meeting where the academic offence in SOC447H5S was discussed;
 - b. Professor Seguin showed the Student the Turnitin report for his Essay 1.2 and compared it with the Merawi Paper from the online source, which indicated he did not properly cite his work. Professor Seguin asked the Student why he did not properly cite this source in the essay;
 - c. The Student responded that Essay 1.2 was the wrong one, that it was a summary, and had been turned in by mistake. The Student further stated that Essay 1.1 did properly cite the source in issue and that he had resubmitted his original essay which contained no plagiarism on Quercus;
- 22. The Student pled not guilty to all charges related to POL320Y5S.
- 23. The University alleged that the Student submitted Essay 1.1 and realized it was a failing essay. The Student then took an online essay, rephrased it in the hopes of avoiding plagiarism detection, and then submitted it as Essay 1.2 to replace

Essay 1.1. Then, worried about being caught, the Student resubmitted the first essay as Essay 1.3.

24. The Student contested this characterization of his actions and asserted that he only intended to submit Essay 1.1. Essay 1.2 was a rephrased version of the Merawi Paper that was never meant to be submitted and was instead just for his own personal use for studying. The Student claimed he sometimes studies by rewording existing texts.
25. The Tribunal examined Essay 1.2 and compared it with the Merawi Paper.
26. The Tribunal did not find the Student's explanation that Essay 1.2 was submitted in error to be credible because:
 - a. The Student had to actively log into Quercus and navigate to submit Essay 1.2, which is difficult to do by mistake;
 - b. The Student did not check what document was uploaded to Quercus despite knowing there was a plagiarized file on his computer;
 - c. The Student did not email the instructor to address the mistake, he waited for the instructor to contact him before saying anything;
 - d. The Student included an assignment title page on Essay 1.2, which likely would not have been included if the essay was simply study notes and was never intended to be submitted; and
 - e. The Student uploaded Essay 1.3 ten days later, attempting to replace his Essay 1.2 submission.
27. The Tribunal found the University's evidence to be credible and clearly established that the Student knowingly represented the ideas of another as their own, engaged in academic dishonesty or misconduct, and concocted sources in relation to his submissions for the assignment in POL320Y5S. It should be noted

here that the concept of knowingly misrepresenting the ideas of another as one's own includes the "ought reasonably to have known" standard.

28. Accordingly, the Tribunal finds the Student guilty of:
- a. Knowingly representing as his own an idea or expression of an idea or work of another, contrary to section B.I.1(d) of the Code.
 - b. Knowingly engaging 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.
 - c. Knowingly submitting academic work containing a purported statement of fact or reference to a source which has been concocted, contrary to section B.I.1(f) of the Code.

Decision of the Tribunal Regarding Penalty

29. There was no agreement regarding penalty associated with the offences. The University submitted the evidence of Ms. Lisa Devereaux, Director of Academic Success & Integrity in the Office of the Vice-Principal Academic and Dean at the University of Toronto Mississauga, through an affidavit sworn on November 1, 2023.
30. That evidence established that the Student had a prior academic offence as a result of obtaining unauthorized assistance in connection with the midterm in Introduction to Criminology, Law and Society. At that time, the Student signed an admission form that contained a warning about subsequent offences, and specifically, the seriousness with which they would be treated. The Student also received a final grade of zero in respect of that midterm as well as a 12 month notation on his academic record and transcript.
31. The Student testified on his own behalf. In doing so, he testified that he experienced high levels of stress during the winter of 2020 as a result of the

pandemic, though he did not commit any academic offences during that period or in the period immediately thereafter. He testified to working full time in January 2022 at the time the offences occurred. In the same period, the Student also had a conditional offer from the police service.

32. In general terms, the University submitted that there is evidence of repeated engagement in very serious misconduct but with a narrow admission and apology with respect to the purchased assignment in SOC447H5S.
33. The University submits that the Student has otherwise not shown true remorse and therefore it seeks expulsion and a suspension for five years as well as a final grade of zero in both courses.
34. The University pointed to the appeal decision of the University of Toronto and S.C., N.H., M.K. (Case No. 596, 597, 598, November 23, 2011) in which three different students had purchased work but only two of the three had apologized and expressed remorse for that purchase. The Discipline Appeals Board observed that a purchased essay offence is as serious as can be committed in a university setting and that the Tribunal should approach sentencing in such cases with the working assumption that expulsion is best commensurate with the gravity of the offence.
35. An expulsion cannot be ordered by the Tribunal. It may only be recommended to the President and then considered by Governing Council. The Student will have the opportunity to make further submissions to the Governing Council at that time.
36. The factors which should be considered and may be relevant to sentencing include:
 - a. the character of the person charged; the likelihood of a repetition of the offence;
 - b. the nature of the offence committed;

- c. any extenuating circumstances surrounding the commission of the offence;
 - d. any detriment to the University occasioned by the offence;
 - e. the need to deter others from committing a similar offence.
37. In considering these factors, the Tribunal has also had regard to penalties that have been applied in previous cases. Previous cases reflect general trends which can guide the Tribunal in applying the relevant factors in an appropriate and consistent way. A certain number of those cases are referenced in this decision, but all of them have been considered by this Panel in reaching its conclusions. The Tribunal has ensured that this penalty decision fits within the context of those cases.
38. The evidence adduced as it relates to these factors supported certain findings relevant to a number of these factors and, ultimately, to the seriousness of the offence. These findings supported the penalty to be imposed as recommended by the University. They are as follows.

The Student was or ought to have been aware of the consequences of a prior offence – recognizing that there would be more serious consequences for a subsequent offence

39. It is established that the Student had committed a prior offence, and with an understanding that any further allegations would be treated as a second offence, engaged in subsequent offences. The agreed facts demonstrate that the Student has admitted to a subsequent offence and knowingly acted contrary to section B.I.1(d) of the *Code of Behavior and Academic Matters*. This type of conduct speaks to the character of the person charged, the nature of the offence committed and the detriment to the University occasioned by the offence.

The Student paid hundreds of dollars to obtain unauthorized assistance for the SOC447H5S assignment

40. The Student has admitted to paying another person several hundred dollars to write his SOC447H5S assignment using a website that is designed for this very purpose. This is not an accidental circumstance. It is not a circumstance in which even a gross error in judgment has caused the Student to commit the offence. The Student intended at the outset to commit the offence. This is a serious offence about which there is no dispute and for which no extenuating circumstances were identified.

The Student did not accidentally submit an essay which was plagiarized for the POL320Y5S course

41. Despite the Student's assertions to the contrary, we have determined that the plagiarized POL320Y5S essay was submitted intentionally, or in the alternative, recklessly, as the Student's evidence and submissions in this regard were not credible. Credibility can be determined by considering the evidence against certain factors identified in *Caroti v. Vuletic* (citing *Faryna v. Chorny*). The relevant factors addressed here are:
- a. Does the evidence make sense logically? The effect of the Student's evidence is that he logged in and submitted an essay without looking at the content, knowing that he had a document which, if submitted, would constitute a plagiarized work product on his desktop. Moreover, the mix-up asserted by the Student did not occur between two similar essays but rather between two pieces of work about different topics.
 - b. Inconsistencies: the Student stated that he revised the Essay 1.1 and then tried to submit again, when he then accidentally submitted the Essay 1.2. He then states he submitted the Essay 1.3 upon noticing this mistake. But, no revised Essay 1.1 has been produced. Essay 1.3 is identical to Essay 1.1.
 - c. Evidence that contradicts the witness evidence: In this case, the Student claims Essay 1.2 was a summary for his own learning, but the document has a title page and begins by making reference to its status as an essay.

- d. Witness Sincerity: the Student said that he checked the submissions page on February 12th, noticed the wrong essay, and resubmitted the correct one. He states that he then emailed the Professor to let him know of the error. No such email exists. Evidence shows the Professor messaged first, expressing concern regarding academic misconduct.
 - e. Motive to fabricate: the Student had already committed and acknowledged prior academic offences. At the time of the last offence he was in his fourth year and intending to complete his degree so that he could move on to a career in policing.
42. The level of intentionality and deception applied to this offence, both in its commission and the cover-up that followed after, are relevant to the sentencing factors as they go both to the seriousness of the offence but also its impact on the University.

The Student attempted to evade detection and cover up the second offence when the first was discovered

43. Although the Student has admitted to an offence in relation to his SOC447H5S assignment, that admission only occurred after he tried to delete the assignment from the internet and then tried to drop the course.
44. The chronology of events establishes that the Student attempted to hide the second offence when the first was discovered. This is revealed in the fact that the Student only attempted to disguise what he had done with Essay 1.2 in his POL320Y5S course (by resubmitting Essay 1.1, which he had replaced with the plagiarized Essay 1.2, as Essay 1.3) once the purchased assignment in his SOC447H5S course had been discovered by the Professor and brought to the Student's attention. In fact, on the same day, he accessed the SOC447H5S and POL320Y5S course pages several times.
45. In summary, there is, unfortunately, evidence of both intentional misconduct and repeated engagement in misconduct over a prolonged period of time. Though the

offences happened over a short of period time, the sustained attempts to evade their consequences afterwards do not reflect well on the Student's character.

46. There are no mitigating or extenuating circumstances that could rebut the presumption that the most serious penalty is appropriate here.
47. The expression of remorse in the form of an admission in respect of one of the offences is undermined by the Student's insistence that there was no second offence, which position defies the evidence and overwhelms any personal circumstances which might otherwise be considered as extenuating circumstances.
48. There is no clear and specific (or any) medical evidence which could support an alternative penalty in these circumstances. Ultimately, the Student chose to cheat. The Student could have withdrawn from the courses, asked for an extension, or asked the Professors for assistance. The Student knew these resources were available to him and chose not to use them. The Student was specifically advised that they were available after the first offence.
49. Past cases demonstrate that in circumstances of plagiarism including purchased work where there are no previous academic offences and the student has shown true insight and remorse, expulsion may be avoided. But if there are previous academic offences and there is no evidence of true remorse then expulsion will occur (the *University of Toronto and A.T.* (Case No. 645, May 10, 2011); the *University of Toronto and J.W.* (Case No. 1082, August 23, 2019); the *University of Toronto and Z.Z.* (Case No. 862, August 23, 2016).
50. The Student's participation in the hearing and his expression of remorse during the course of the hearing are noted and recognized. Unfortunately, both the gravity and circumstances of the offences themselves, as described above, are such that his participation in this process is not a factor that can overcome those that compel expulsion.

51. While the effect of this sanction is particularly unfortunate because of its timing relative to the Student's graduation and pursuit of a career, and this "timing" issue has been considered by other panels (see, for example, the *University of Toronto and A.K.* (Case No. 523, January 14, 2009) and the *University of Toronto and A.L.* (Case No. 606, October 10, 2012 (Appeal))), it is not possible in this fact pattern to support an alternative outcome.
52. Lastly, offences of this nature have a strong impact on the reputation of the University which has an impact on all of the students who hope to benefit from its integrity. Penalties for offences of this nature must therefore be significantly guided by the objective criteria that consider the impact on the University and cannot be marginalized absent truly unusual subjective or personal circumstances (none of which were present here). In this respect, the Tribunal relies on paragraphs 19(c) and (d) of the *University of Toronto and G.G.* (Case No. 1104, June 24, 2021): [t]here is a strong need to deter others from committing a similar offence, for many of the reasons noted above. This type of offence poses a grave threat to the integrity of the University's processes for evaluating students, is profoundly unfair to other students, and jeopardizes the University's reputation.
53. The Panel, accordingly, issued an Order as to sanctions as requested by counsel for the University.

Dated at Toronto this 19th day of February 2025

Original signed by:

Cheryl Woodin, Chair

On behalf of the Panel