

**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 :

THE UNIVERSITY OF TORONTO

- and -

L [REDACTED] J [REDACTED]

REASONS FOR DECISION ON FINDING

Hearing Dates: July 23, 2024, September 9, 2024, via Zoom

Members of the Panel:

Cheryl Woodin, Chair

Dr. Maria Rozakis-Adcock, Faculty Panel Member

Dylan Dingwell, Student Panel Member

Appearances:

Tina Lie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Sonia Patel, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

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

Not In Attendance:

L [REDACTED] J [REDACTED]

Introduction

1. The Trial Division of the University Tribunal was convened on July 23, 2024 and September 9, 2024, to consider charges brought by the University of Toronto (the "University") against L ■■■ J ■■■ (the "Student") under the University of Toronto *Code of Behaviour on Academic Matters*, 2019 (the "Code").
2. The Student was not in attendance and did not send a lawyer or other representative to attend on their behalf.
3. The Panel heard evidence and submissions regarding whether the hearing should proceed in the absence of the Student and then on whether offences had been committed. A further hearing will be scheduled to address the penalty arising from these findings.

The Charges and Particulars

4. The Charges and Particulars alleged against the Student as identified by the University are as follows:

Charges:

1. On or about March 24, 2022, the Student knowingly represented as their own an idea or expression of an idea or work of another in a term paper the Student submitted in CCT110H5S ("**CCT110**"), contrary to section B.I.1(d) of the Code.
2. In the alternative to Charge 1, on or about March 24, 2022, the Student knowingly obtained unauthorized assistance in connection with a term paper the Student submitted in CCT110, contrary to section B.I.1(b) of the Code.
3. In further alternative to Charges 1 and 2, 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 a term paper the Student submitted in CCT110, contrary to section B.I.3(b) of the Code,

4. On or about September 26, 2022, the Student knowingly represented as their own an idea or expression of an idea or work of another in a response assignment the Student submitted in VCC290H5F ("**VCC290**"), contrary to section B.I.1(d) of the Code.
5. In the alternative to Charge 4, on or about September 26, 2022, the Student knowingly obtained unauthorized assistance in connection with a response assignment the Student submitted in VCC290, contrary to section B.I.1(b) of the Code.
6. In the further alternative to Charges 4 and 5, on or about September 26, 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 a response assignment the Student submitted in VCC290, contrary to section B.I.3(b) of the Code.
7. On or about October 20, 2022, the Student knowingly represented as their own an idea or expression of an idea or work of another in an annotated bibliography the Student submitted in VCC392H5F ("**VCC392**"), contrary to section B.I.1(d) of the Code.
8. In the alternative to Charge 7, on or about October 20, 2022, the Student knowingly obtained unauthorized assistance in connection with an annotated bibliography the Student submitted in VCC392, contrary to section B.I.1(b) of the Code.
9. In the further alternative to Charges 7 and 8, on or about October 20, 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 an annotated bibliography the Student submitted in VCC392, contrary to section B.I.3(b) of the Code.

Particulars:

1. At all material times the Student was enrolled at the University of Toronto Mississauga.

CCT110

2. In Winter 2022, the Student enrolled in CCT110H5S (Rhetoric and Media).
3. Students in CCT110 were evaluated on the basis of, among other things, a term paper worth 25% of their final grades.
4. On or about March 24, 2022, the Student submitted the term paper in CCT110 (the "**CCT110 Paper**").
5. The Student did not write the CCT110 Paper. The Student hired and paid someone to write the CCT110 Paper for them.
6. The Student submitted the CCT110 Paper:
 - a. to obtain academic credit;
 - b. knowing that it contained ideas, expressions of ideas or work which were not the Student's own, but were the ideas, expressions of ideas or work of others, including the person who wrote the CCT110 Paper and/or the authors of:
 - i. "Book Review – TikTok Boom: China's Dynamite App and the Superpower Race for Social Media", by Liam McLoughlin (<https://leelum.com/politicsmediasociety/social-media/review-tiktok-boom/>); and
 - ii. "Advantages and Disadvantages of TikTok Video App" (<https://www.myayan.com/advantages-and-disadvantages-of-tiktok-video-app/>);(collectively, the "**CCT110 Sources**"); and
 - c. knowing that the Student did not properly reference the ideas, expressions of ideas or work that the Student drew from the CCT110 Sources.
7. The Student knowingly obtained unauthorized assistance from the CCT110 Sources.

8. The Student knowingly submitted the CCT110 Paper with the intention that the University of Toronto Mississauga rely on it as containing the Student's own ideas or work in considering the appropriate academic credit to be assigned to the Student's work.

VCC290

9. In Fall 2022, the Student enrolled in VCC290H5F (Global Protests and Freedom Movements in Visual Culture and Communications).
10. Students in VCC290 were evaluated on the basis of, among other things, a response assignment worth 10% of their final grades.
11. On or about September 26, 2022, the Student submitted a response assignment in VCC290 (the "**VCC290 Response**").
12. The Student did not write the VCC290 Response. The Student hired and paid someone to write the VCC290 Response for them.
13. The Student submitted the VCC290 Response:
 - a. to obtain academic credit;
 - b. knowing that it contained ideas, expressions of ideas or work which were not their own, but were the ideas, expressions of ideas or work of others, including the person who wrote the VCC290 Response (the "**VCC290 Source**"); and
 - c. The student knowingly did not properly reference the ideas, expressions of ideas or work that they drew from the VCC290 Source.
14. The student knowingly obtained unauthorized assistance from the VCC290 Source.
15. The Student knowingly submitted the VCC290 Response with the intention that the University of Toronto Mississauga rely on it as containing their own ideas or work in considering the appropriate academic credit to be assigned to the Student's work.

VCC392

16. In Fall 2022, the Student enrolled in VCC392H5F (Topics in Visual Culture and Communication).
17. Students in VCC392 were evaluated on the basis of, among other things, an annotated bibliography, worth 27% of their final grades.
18. On or about October 20, 2022, the Student submitted an annotated bibliography in VCC392, titled "Understanding the importance of body and gender in Greek Art and Thought" (the "**VCC392 Bibliography**").
19. The Student did not write the VCC392 Bibliography. The Student hired and paid someone to write the VCC392 Bibliography for them.
20. The Student submitted the VCC392 Bibliography:
 - a. to obtain academic credit;
 - b. knowing that it contained ideas, expressions of ideas or work which were not the Student's own, but were the ideas, expressions of ideas or work of others, including the person who wrote the VCC392 Bibliography and/or the authors of:
 - i. the book description for Gender, Identity and the Body in Greek and Roman Sculpture by Rosemary Barrow (<https://www.cambridge.org/core/books/gender-identity-and-the-body-in-greek-and-roman-sculpture/297335CA33DF8F1B7825867BF67C983E#fndtn-information>);
 - ii. the abstract for Men Without Clothes: Heroic Nakedness and Greek Art by Robin Osborne (<https://onlinelibrary.wiley.com/doi/abs/10.1111/1468-0424.00037>); and
 - iii. "Smashing Bodies: The Corinthian Tydeus and Ismene Amphora (Louvre E640)" by John Henderson(collectively, the "**VCC392 Sources**"); and
 - c. The Student knowingly did not properly reference the ideas, expressions of ideas or work that they drew from the VCC392 Sources.
21. The Student knowingly obtained unauthorized assistance from the VCC392 Sources.

22. The Student knowingly submitted the VCC392 Bibliography with the intention that the University of Toronto Mississauga rely on it as containing the Student's own ideas or work in considering the appropriate academic credit to be assigned to their work.

Dean's Office's Correspondence with the Student

5. The Dean's Office of the Faculty of Arts and Science is responsible for investigating allegations of academic misconduct and arranging meetings between students and the Dean or Dean's Designate in accordance with the process set out in the *Code of Behaviour on Academic Matters* (the "Code").
6. The Dean's Office invited the Student to attend a meeting on June 14, 2023 with the Dean's Designate to discuss the allegations in this matter. Following a response from the Student the meeting was rescheduled to June 29, 2023 and the Student attended this meeting. Following the meeting, the Dean's Office informed the Student that her case was being forwarded to the Tribunal for resolution and strongly recommended that she retain counsel to assist her.
7. The Student was last enrolled in courses in Winter 2024, during which time she was placed on academic probation.

Proceeding in the Student's Absence

The University's Communication with the Student

8. The Student did not attend the hearing and was not represented. Assistant Discipline Counsel advised that neither the Student nor a representative of the Student had responded to the Notice of Virtual Hearing. Assistant Discipline Counsel requested that the Panel proceed in the absence of the Student and made submissions to support this request.

9. The onus of proof is on the University to establish that it provided the Student with reasonable notice of the hearing in accordance with the *University Tribunal's Rules of Practice and Procedure* ("Rules"). The University filed evidence from two witnesses to support service: Janice Patterson, a legal assistant at the law firm Paliare Roland, and Andrew Wagg, a Manager, Incident Response, at Information Security, Information Technology Services at the University. These witnesses provided their evidence by way of affidavits which were accepted by the Panel and which established that the Student had received reasonable notice of each step of the University's process from the time the charges were initiated through to the commencement of this hearing.
10. Ms. Patterson's evidence reviewed the efforts undertaken by the University to identify the correct contact information for the Student for the purpose of providing notice of the charges and subsequent proceedings and the process of providing that notice.
11. The contact information that was used to communicate with the Student was obtained through the University's Repository of Student Information ("ROSI"). As set out in the University of Toronto's *Policy on Official Correspondence with Students*, it is the responsibility of a student to ensure the telephone, email and mailing address in ROSI are current. It is also the responsibility of a student to ensure they are receiving all communications from the University by accessing the University of Toronto email account or opting to forward their University of Toronto e-mail account to their personal account, if necessary.
12. On January 11, 2024, the Office of the Vice-Provost, Faculty and Academic Life ("VPFAL") served the charges on the Student by email to their University of Toronto email address.

13. On January 12, 2024, the Office of Appeals, Discipline and Faculty Grievances (the "ADFG Office") sent the Student a letter about the charges and a pamphlet for Downtown Legal Services.
14. On February 6, 2024, Assistant Discipline Counsel for the University Ms. Lie emailed the Student to introduce herself. Ms. Lie advised the Student that she would be sending important documents and information regarding her hearing to her utoronto email and that she should continue to check her emails and provide an alternative address if necessary. Ms. Lie invited the Student to contact her if she had any questions about the process.
15. On February 12, 2024, Ms. Lie emailed the Student a disclosure letter, brief, and a copy of the charges sent by VPFAL on January 11, 2024. In her email, Ms. Lie advised that she wanted to discuss the Student's case with the Student and asked the Student to contact her to arrange a call. The disclosure letter advised that the University would be sending the Student important communications via email to the Student's utoronto account and that it was essential for the Student to monitor and respond to communications sent to the Student's utoronto account, in accordance with the University's *Policy on Official Correspondence with Students*. The *Policy on Official Correspondence with Students* was hyperlinked in the disclosure letter.
16. On May 8, 2024, Ms. Lie emailed the Student to follow up on her correspondence of February 12, 2024. She provided a list of available hearing dates in June, July, and August 2024 and asked the Student to advise her of all of the dates on which she was available. Ms. Lie advised that if she did not hear back by May 15, 2024, she would request that a hearing date be scheduled. Ms. Lie also advised that if the Student did not attend the hearing once scheduled, the hearing might take place in the Student's absence, without further notice to her.

17. On May 22, 2024, Ms. Lie emailed the Student advising that she would request a hearing be scheduled for July 23, 2024 at 9:45 a.m. She again advised that if the Student did not attend the hearing, the hearing might proceed in the Student's absence without further notice to the Student.
18. On May 22, 2024, Ms. Lie emailed the ADFG Office to request that a hearing be scheduled for July 23, 2024. The Student was copied on this email.
19. On May 24, 2024, the ADFG Office issued a Notice of Virtual Hearing to take place via Zoom on July 23, 2024. The Student was copied on this email.

The Student's Access to University Resources

20. The Accessible Campus Online Resource Network ("ACORN") is a web-based tool that stores students' academic, personal, and financial records. Students can view their records and update their contact information in ACORN. To access their ACORN account, students need to input their UTORid and the password for that account. Students' activity in ACORN is recorded in a Student Web Services Activity Log (the "Activity Log").
21. The Activity Log for the Student shows that the last time someone accessed the Student's ACORN account was on June 5, 2024.
22. Andrew Wang, Manager Incident Response at Information Security for the University, gave evidence that someone last accessed the Student's ROSI email account on July 10, 2024. This was after the last letter was sent with notice of the virtual hearing date. There is no evidence to indicate whether the account was checked after that date.

Further Attempts to Contact the Student

23. In addition to the efforts described above, further efforts were made to contact the Student using the telephone number the Student had provided in ROSI. Those occurred on May 15, 2024 and July 10, 2024. In both cases, voicemail messages were left.
24. On July 10, 2024, a courier delivered a package to the address listed by the Student on ROSI. The courier package contained a letter from Ms. Lie to the Student with information about the hearing enclosing the Notice of Virtual Hearing, the Charges, and the disclosure letter.
25. Lastly, on July 10, 2024, the package was also sent to the Student by email.
26. On July 15, 2024, the Student was provided with copies of the affidavits of Lisa Peden, Magda Yuksel, Caylen Heckel, and Charles Elkabas by email at her ROSI account.

Reasons Regarding Effective Notice

27. In accordance with the University Tribunal *Rules of Practice and Procedure*, Rule 21 "where 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." In addition, pursuant to section 6 and 7 the *Statutory Powers and Procedures Act* (the "Act") and Rule 17: "The 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". Reasonable notice will have occurred, in accordance with Rules if charges, notices of hearing and disclosure material are served

or sent to a student through one of personal service, courier to the student's mailing address contained in ROSI, by email to the student's email address contained in ROSI, or by any other means authorized under the under the University's *Policy on Official Correspondence with Students*.

28. In this case, multiple service methods were attempted using contact information which is recognized as effective for service or delivery of materials.
29. Although actual notice through these methods used by the University to communicate with the Student is not required, it is notable that the Student was enrolled in courses in April 2024, during the period of time in which Ms. Lie was attempting to reach her. The Student's ROSI email address was last accessed by someone who had access to her login information in July 2024. Lastly, the Student checked her ACORN account on June 5, 2024.
30. In light of the evidence regarding steps taken to provide notice of these proceedings and the submissions of Assistant Discipline Counsel, the Panel was satisfied that the Student had been given reasonable notice of the hearing in compliance with the Act and the Rules. The Panel decided to hear the case in the absence of the Student.

Analysis of the Offences

31. The Panel was advised that the University intended to proceed primarily on charges 1, 4 and 7 and that if the Tribunal convicted on those charges, then the remaining charges would be withdrawn.
32. The Panel received evidence from four affiants, Lisa Peden, Magdalena Yuksel, Caylen Heckel, and Charles Elkabas. That evidence is summarized here.

Evidence of Lisa Peden Regarding CCT110 and Charges 1, 2 and 3

33. Ms. Peden is a Sessional Instructor at the University of Toronto Mississauga (“UTM”) at the Institute of Communication, Culture, Information and Technology. Ms. Peden was the co-instructor for CCT110H5S: Rhetoric and Media (“CCT110”), in which the Student was enrolled.
34. The CCT110 course syllabus emphasized the importance of academic integrity and explained to students that potential offences would include using someone else’s ideas or words without appropriate acknowledgement and obtaining unauthorized assistance on any assignment. The Syllabus provided complete access to all information that would be relevant to understanding how to avoid committing an academic offence and what its consequences would be. CCT110 students were also required to complete an academic integrity module to teach them to define academic integrity and identify examples of academic misconduct. The Student did not complete the module.
35. Students in CCT110 were required to submit a term paper worth 25% of the final grade in CCT110. The term paper was due on March 23, 2022. The instructions for the term paper required students to write a 10-page research-based essay that answered their research question and made an argument. Students were required to submit two items: (1) a term paper and (2) an earlier, draft version of the paper. Students were required to use a minimum of eight peer-reviewed, scholarly sources and to cite all research, including with in-text citations. The term paper instructions included a reminder that: “All work is your own. Remember to cite every idea, quotation, reference, or paraphrase from your research material. Failure to cite can result in a plagiarism inquiry (please consult the syllabus for information on the university’s penalties for plagiarism, which can include a suspension”. The term paper instructions also encouraged students to take advantage of the writing

supports available to them, including the Robert Gillespie Academic Skills Centre and research support through the library.

36. The Student submitted their term paper on March 24, 2022. The Student did not submit a draft version of their paper, as required. The Student's term paper was submitted to Ouriginal, which is software that compares the submitted work with sources in its database or found online. Ouriginal identified a number of passages that appeared to have been taken verbatim or virtually verbatim from several online sources.
37. The Teaching Assistant ("TA") for CCT110 also flagged a concern with the Student's term paper, as it contained portions that appeared to have been copied and pasted into the document with a format that was inconsistent with the rest of the text of the assignment. The TA also noted that the Student's term paper appeared to be missing some in-text citations.
38. Ms. Peden reviewed the Student's term paper and confirmed that several passages appeared to have been copied verbatim or near verbatim from other sources. None of the four sources from which passages appeared to have been taken appeared in the reference list. Those sources were supplied to the Tribunal for its examination and assessment as well.
39. Ms. Peden attempted to reach the Student by email to discuss the term paper but received no response. Ms. Peden then referred the matter to the Office of the Dean of University of Toronto Mississauga for further action.

Evidence of Magdalena Yuksel Regarding VCC290 and Charges 4,5 and 6

40. Ms. Yuksel was a sessional instructor at the Cinema Studies Institute at UTM. In Fall 2022, she was the instructor for VCC290H5F: Global Protests and Freedom Movements in Visual Culture and Communications ("VCC290") in which the Student was enrolled.
41. The VCC290 syllabus also emphasized the importance of academic integrity and provided examples of what would constitute an offence with respect to academic integrity that were similar to those articulated in respect of CCT110. As with CCT110, the syllabus also advised students of the process for all suspected cases of academic dishonesty and encouraged them to seek out additional information if they were unsure about what would or would not constitute an academic offence.
42. Students in VCC290 were required to submit an assignment worth 10% of the final grade in the course. The assignment was due on September 26, 2022. Students were instructed to choose one of two listed articles or a film and write a 500-word response to it in which they addressed the main argument of the writer or film and reflected on their ideas. Students were instructed not to summarize the articles or film, but rather to explain the particular ideas or arguments they were referring to.
43. The assignment instructions also noted that Dr. Colin Murray, the Department of Visual Studies Writing Tutor, was available to help students with any kind of writing issues and at any stage of writing. Students were invited to contact Dr. Murray at any time to schedule an appointment with him for assistance with their assignment.
44. The evaluation for the assignment relied heavily on students' ability to construct their own argument based on the reading or film of their choice. As this assignment was only 500 words, students were given a workshop on "how to write a great response paper" during the tutorial classes in the second week of the term, prior to the assignment deadline, where

they were taught how to craft their own argument for the assignment. The VCC290 TA emphasized to students that the most important part of the assignment was their own argument.

45. The Student submitted their assignment on September 26, 2022. The Student's assignment was submitted to Ouriginal, which is software that compares the submitted work with sources in its database or found online. Ouriginal provided a low similarity score of 6.32% but Ms. Yuksel discovered that many sentences from the assignment had only been slightly altered from the sources, and the meaning of those sentences had been duplicated without attribution. Ms. Yuksel determined that the Student did not properly paraphrase the words and ideas from the sources or place the words in quotation marks to indicate that they were quoting directly from the sources. She concluded that the Student's assignment constituted plagiarism. Moreover, only two of the three sources relied upon in the assignment were cited, though it does not appear that the third source which was not cited was material to the assignment that was ultimately produced.
46. Ms. Yuksel met with the Student to discuss their assignment and then referred the matter to the Office of the Dean at UTM for further action.

Evidence of Carylen Heckel Regarding VCC392 and Charges 7, 8 and 9

47. Professor Heckel is an Assistant Professor in the Department of Visual Studies at the UTM. In Fall 2022, she was the instructor for VCC392H5: Topics in Visual Culture and Communication ("VCC392"), in which the Student was enrolled.
48. As with the other courses, the VCC392 syllabus included a reminder about the importance of academic integrity, including in the online learning environment. The syllabus listed examples of potential academic offences in papers and assignments, including using someone else's ideas or words without appropriate acknowledgement, collaborating with

others in the course, and obtaining or providing unauthorized assistance on any assignment.

49. Students in VCC392 were required to submit an annotated bibliography worth 27% of the final grade in the course. Students were instructed to choose a topic that they would like to write a paper on, research that topic and choose sources, and write an annotated bibliography by summarizing each source and analyzing its value and relevance to the chosen topic. Students were required to write a citation for each source that they relied upon.
50. Students were provided with links to several resources to assist them in completing their annotated bibliographies. These resources included guides on how to write an annotated bibliography, a guide on how to go beyond merely summarizing, and guides on how to cite.
51. The Student submitted her annotated bibliography titled "Understanding the importance of body and gender in Greek Art and Thought". This was the first and only assignment that the Student submitted in VCC392 and to the best of Professor Heckel's knowledge, the Student did not attend any classes for VCC392.
52. The Student's annotated bibliography was submitted to Ouriginal, which provided a low similarity score of 6% but the teaching assistant discovered that the annotated bibliography contained several passages that appeared to have been poorly paraphrased from certain online summaries of sources listed in the Student's bibliography. Professor Heckel conducted her own review of the Student's annotated bibliography to confirm the TA's assessment and discovered that several passages from the Student's bibliography also appeared to have been taken verbatim or virtually verbatim from online summaries that were not cited by the Student.

53. Professor Heckel came to the conclusion that the Student may have committed an academic offence and met with the Student to discuss the issue and then referred the matter to the Office of the Dean at UTM for further action.

Evidence of Charles Elkabas

54. Lastly, the Tribunal received evidence from the 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 of Behaviour on Academic Matters.
55. The AIU received information that the Student was alleged to have committed academic offences in each of CCT110, VCC290 and VCC392.
56. Upon receiving these reports, AIU reviewed the relevant documents and observed that the document properties for two of the three assignments (which were all submitted as Microsoft Word documents) were unusual. In the case of the CCT110 assignment it listed the author as "believe" instead of the Student (and also showed that the document was last saved by "Elizabeth Peden", was revision number 2, and was both created and last saved on March 29, 2022 at 10:14 a.m. and displayed a total editing time of zero seconds).
57. For the VCC290 assignment, the document properties listed the author as "123" but showed that the document was last saved by "L [REDACTED] J [REDACTED]" (and also showed that the document was revision number 2 and was both created and last saved on September 27, 2022 at 10:48 a.m., but last printed on September 23, 2022). The total editing time on the document was one minute.

58. For the VCC392 annotated bibliography, the document properties listed the author as "L [REDACTED] J [REDACTED]" but showed that the document was last saved by "Caylen Heckel" and was revision number 5. The document shows it was created on October 19, 2022, at 11:57 p.m. and last saved on November 1, 2022 at 12:39 p.m., with a total editing time of one hour and 15 minutes.
59. Professor Elkabas gave evidence that the author "believe" was known to AIU because at least two other students who were alleged to have committed academic offences had previously submitted assignments for which the document properties displayed this author. In one of these assignments, the total editing time was zero seconds. In the other assignment, the total editing time was 13 minutes. The document properties for both assignments show that they were created at the same time; namely, 4:55 p.m. on February 20, 2022.
60. Professor Elkabas met with the Student on June 29, 2023, over Zoom to discuss the alleged academic misconduct. An Undergraduate Counsellor in the Department of Visual Studies, attended the meeting and took notes.
61. On the basis of that meeting, Professor Elkabas came to believe that at least in the case of the CCT110 assignment, the Student had purchased the work she submitted from an author named "believe" who had also participated in academic offences in respect of two other students who had previously admitted to these offences. Professor Elkabas also believed that the Student had admitted to using outside sources without giving credit for those sources in the case of both the CCT110 assignment and the VC290 assignment (for which the author is identified as "123"), though the Student is reported to have stated that she received help in each case from a tutor outside of the class to help her with the assignments. She is also reported to have said that she had paid around 50 yuan for a tutor to help in each case (equivalent to around \$10 CAD).

62. Finally, Professor Elkabaz asked the Student about the annotated bibliography which had been submitted for VCC392, and reports having received admissions from the Student that she had used certain sources that were not cited appropriately and that someone had helped her with the annotated bibliography (again perhaps for 50 yuan).

Decision of the Tribunal on the Charges

63. The University must establish on a balance of probabilities through clear and convincing evidence that an academic offence has been committed by the Student. There is no presumption of innocence. Instead, the Tribunal operates on a civil standard which requires proof only on a balance of probabilities, though that balance of probabilities must be met with evidence that is clear, convincing and cogent¹.
64. The University must prove both the mental and conduct elements of an offence which means that there must be evidence that a student knowingly engaged in the conduct which is prohibited by the Code. The threshold for establishing that a student knowingly engaged in the conduct at issue is set out in the Code itself and includes a finding that the student ought reasonably to have known they were engaging in prohibited conduct. As it relates to the conduct, while the University must make out the conduct elements of the offence in the result, it need not prove how the offence was actually committed, only that it was committed². As was stated in the *University of Toronto and J.Z.* (Case No. 1406, May 24, 2023) at para. 46: "In cases like these, it is not necessary to prove the exact mechanism by which the cheating occurred. The burden is on the University to prove that it was more likely than not that the Student received unauthorized assistance."

¹ (*The University of Toronto and O.M.* (Case No. 497 (DAB), March 25, 2009) at para. 17)

² (*The University of Toronto and A.L.* (Case No. 1471, October 4, 2023), at para. 55)

65. There was a significant quantity of evidence regarding the offences at issue and none of it was challenged in any way, though not all of it was relevant to or probative of the charges at issue or ultimately established the conclusions for which it was proffered.
66. In respect of CCT110, it is clear on the evidence that the Student submitted a term paper which knowingly represented as its own the ideas or expressions of another person's work by using sources without citing those sources. The sources were not "concocted" in the sense that they were made up but rather were "misattributed" in the sense that the work was clearly taken from actual sources, but those sources were not attributed to the passages where they were used.
67. While Professor Elkabas gave evidence regarding his meeting with the Student and what she had admitted regarding the role of a tutor in producing her term paper, it is not clear from the exchange as described by Professor Elkabas what role that tutor performed.
68. While its also possible that the term paper was authored by someone other than the Student (who may or may not have been the tutor to whom the Student referred), the evidence was less than clear in this regard either. The involvement of a tutor on its own is not sufficient to establish that an academic offence has been committed. Admissions of guilt by other students who submitted work with the author named "believe" is also not sufficient to establish that someone other than the Student wrote the paper.
69. In respect of both of these points (the role of the tutor and who actually produced the essay), it appeared to the Tribunal that the interview was conducted in a manner that assumed conclusions without an exchange of information that actually supported those conclusions. While Professor Elkabas was confident that he had received an "admission" from the Student, that she had purchased her term paper from the person she described as her tutor, it was not at all clear to the Tribunal that that is what had been accomplished

in this interview. The Student seems to have admitted that she paid a tutor to assist her with the term paper but the role that tutor played was not probed at all. This may have been because Professor Elkabas, as he testified, had already come to the conclusion that the Student was not capable of producing the essay herself or because he was aware of two other students who had admitted to receiving improper assistance with respect to papers for whom the author was identified as “believe”, but regardless of how he got there, he did not conduct the interview in a way that actually achieved the admissions he was seeking.

70. The Tribunal does not accept that there was clear and convincing evidence of an admission that the Student had hired someone to write the term paper.
71. Based on the foregoing, the Tribunal is prepared to find that there was clear and convincing evidence that Charge 1 was made out and on this basis it is not necessary to consider whether Charges 2 and 3 were made out.
72. In respect of the assignment submitted in VCC290 there is again clear and convincing evidence that the Student knowingly represented as her own an idea and expression of another in order to obtain academic credit in connection with this assignment because, as Ms. Yuksel’s affidavit evidence established, there were material passages from this assignment that were taken from sources. Alterations to those passages were limited, resulting in a direct use of the ideas and expressions of those sources without attribution.
73. In reaching this conclusion, the Tribunal acknowledges that the University preferred to pursue a theory that either the assignment was authored by someone other than the Student (the author was identified as “123”) or that the Student had admitted to paying a tutor approximately \$10 CAD to write the assignment.

74. Again, while it is possible because there is some evidence that term paper was authored by someone other than the Student (who may or may not have been the tutor to whom the Student referred), this evidence did not meet the clear and convincing standard. Again, while it appears that the Student admitted to something in relation to seeking the assistance of a tutor, the Tribunal does not accept that there was clear and convincing evidence before it that there was an admission that the Student had hired someone to actually write the term paper.
75. Based on the foregoing, the Tribunal is prepared to accept that charge 4 was made out and as a result it is unnecessary to consider whether charges 5 and 6 were made out.
76. Lastly, in respect of the annotated bibliography for VCC392, the Tribunal has determined that there is clear and convincing evidence that the Student knowingly engaged in a form of academic misconduct in order to obtain academic credit in connection with the bibliography because there were material passages from this assignment that were taken from sources to which the content was not attributed.
77. In this circumstance, the document properties actually show the student as the author, but the evidence of Professor Heckel establishes that the Student plagiarized from online descriptions by paraphrasing without any citation to the three sources from which content was cited.
78. Based on the foregoing, the Tribunal is prepared to accept that charge 7 was made out, such that a finding with respect to charges 8 or 9 is not necessary.
79. At the Tribunal's request, the University provided a copy of a zoom transcript of the meeting between Professor Elkabas and the Student. This was originally in aid of attempting to explore the evidence given regarding admissions of misconduct made by the Student. Because the transcript was clearly imperfect, and because the Tribunal

ultimately determined that findings were available to it which did not require reliance upon the transcript, no ruling was made or relied upon with respect to the weight of the transcript.

80. In addition, the Tribunal addressed what impact a failure to prove certain of the particulars outlined in respect of the various charges would have, if any, upon those charges that were ultimately established. The University submits and this Tribunal accepts that the purpose of particulars is to provide notice of alleged conduct. The Tribunal's role is not to determine whether each element of the charges as particularized is proved (as may be the case in the criminal context), but rather that there is sufficient evidence to support a conclusion that misconduct as defined by the Code has occurred on a balance of probabilities³

Dated at Toronto this 24th day of April 2025.

Original signed by:

Cheryl Woodin, Chair
On behalf of the Panel

³ *The University of Toronto and S.W.* (Case No. 947, August 23, 2019) at paras. 24-26, 28