

**UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on November 14, 2018,

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters, 1995,*

AND IN THE MATTER OF the *University of Toronto Act, 1971*, S.O. 1971, c. 56 as amended S.O. 1978, c. 88

B E T W E E N:

UNIVERSITY OF TORONTO (the "University")

- AND -

N [REDACTED] H [REDACTED] (the "Student")

REASONS FOR DECISION

Hearing Date: April 18, 2019

Panel Members:

Ms. Roslyn M. Tsao, Chair
Professor Kimberley Widger, Faculty Panel Member
Ms. Julie Farmer, Student Panel Member

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel for University, Paliare Roland Rosenberg Rothstein LLP
Mr. N [REDACTED] H [REDACTED], the Student
Mr. Chew Chang, Paralegal, for the Student

Hearing Secretary:

Ms. Jennifer Dent, Associate Director, Appeals, Discipline and Faculty Grievances

Charges and Appearances

1. The Trial Division of the Tribunal heard this matter on April 18, 2019. The Student was charged on November 14, 2018 with 2 charges which relate to the purchase of an essay from a third party and submitting it as his own work for an assignment worth 25% in the final grade of the course (CCT335H5) in the Fall 2017 term.
2. Charge 1 alleges plagiarism contrary to Section B.i.1(d) of the *Code*.
3. Charge 2 alleges general academic dishonesty or misconduct contrary to Section B.i.3(b) of the *Code*.
4. The University and Student, through his agent, submitted an Agreed Statement of Facts dated April 18, 2019 ("ASF") and Joint Book of Documents ("JBD") wherein the Student admitted to knowingly committing an academic offence, contrary to Section B.i.1(d), by submitting an essay as if it was his own, knowing that he had not written the essay, but had purchased it from a third party.
5. The Student was present at the hearing with his agent, Mr. Chang, and confirmed his voluntary participation in this process.

Facts

6. Pursuant to the ASF, the Student admitted the following facts:
 - (a) In Fall 2017, the Student was enrolled in CCT335H5: Technology and the City (the "Course").
 - (b) Students in the Course were provided with a Course Outline which included a section about academic integrity and that submission of someone else's ideas or words without appropriate acknowledgement and obtaining unauthorized assistance in any assignment constitutes academic dishonesty.
 - (c) The final essay in the Course was worth 25%. The Student submitted an essay on December 6, 2017 to meet this requirement.

- (d) The Course professor, after reviewing the Student's essay, was suspicious about whether the Student had, in fact, written it himself. After further investigation, the Student was invited, by email dated March 22, 2018, to attend a meeting with the Dean's Designate on April 17, 2018 in accordance with the *Code of Behaviour on Academic Matters, 1995* regarding the matter.
- (e) The Student attended a meeting with Professor Catherine Seguin, Dean's Designate, on April 17, 2018. The Dean's warning at section Ci.(a)6 of the *Code* was given to the Student. The Student admitted that he had purchased the essay from "Edision" for \$300-\$400. He explained he had been enrolled in six courses in the 2017 Winter term and needed to improve his grades. He did not have enough time to complete the essay on his own, so he found the essay provider on line by Googling "buy essay". The Student expressed that he wished to say sorry to the professor. The Student also signed an Academic Integrity: Student Form in which he indicated that he believed he was guilty of committing an academic offence.

Decision of the Tribunal

- 7. Based on the ASF and review of the JBD, the Panel finds the Student guilty of Charge 1.
- 8. The University withdrew Charge 2.

Penalty

- 9. The Student and University submitted a Joint Submission on Penalty ("JSP") in support of the following penalty:
 - (a) a final grade of zero in the Course CCT335H5;
 - (b) a suspension from the University from May 1, 2018 for a period of 5 years, ending April 30, 2023; and

- (c) a corresponding notation be placed on his academic record and transcript until April 30, 2024 or his graduation from the University, whichever occurs first.
10. Although this matter was presented to the Panel by way of an ASF and JSP (both of which were submitted voluntarily by the Student after independent legal advice), we are still required to consider the *Chelin* factors (Case No.: 1976/77-3, November 5, 1976), to support our decision on penalty: character of student, likelihood of repetition of the offence, nature of the offence committed, existence of extenuating circumstances, detriment to the university and general need for deterrence.
 11. The Student has no prior history of academic misconduct at the University and the Student has demonstrated remorse with his early admission of guilt at the Dean's Designate meeting. The Student has not taken any further courses after the Winter 2018 term.
 12. Furthermore, the University acknowledges that the Student has not contributed to the delay in resolving these Charges at this hearing and, apparently, sought to have the matter addressed as early as possible. To that end, the JSP recommends that the commencement of the suspension be back-dated to May 1, 2018 (as opposed to commencing as at the date of the Order). There is discretion and precedent to back-date a suspension, especially given that the Student took no further courses as of May 1, 2018 pending resolution.
 13. We agree with the University that, in this case, the principle *Chelin* factors to consider are specific and general deterrence. With regard to specific deterrence, this is of lower concern given that this is the Student's first offence, he admitted guilt early in the process and he has indicated that he had a heavier course load pressure at that the time. We hope that he will not repeat this type of shortcut in future as it would most certainly result in a recommendation for expulsion.
 14. With regard to general deterrence, the nature of the offence and detriment to the University are significant in that this type of plagiarism is sometimes difficult to

identify. That said, faculty are alert to this form of plagiarism and when a student is caught, the sanction should be on the serious end of the spectrum to deter others.

15. The cases provided by the University demonstrate that the requested penalty is in the appropriate range of sanctions in these circumstances.
16. There is a very high threshold for departing from a joint submission on penalty requiring the Panel to find that the acceptance of same would be contrary to the public interest and bring the administration of justice into disrepute. Counsel for the Student confirms the Student's affirmation of the joint submission as appropriate.
17. The Panel accepts the JSP, including the back-dating of the suspension commencement date.
18. An Order was signed at the hearing by the Panel in accordance with above finding of guilt on Charge 1 and the penalty as set out in the JSP.

Dated at Toronto, this 7th day of May, 2019



Roslyn Tsao, Co-Chair