

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on July 22, 2013,

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

BETWEEN:

**UNIVERSITY OF TORONTO**

- and -

W [REDACTED] K [REDACTED]

**REASONS FOR DECISION**

**Hearing Dates:** February 16, 2016, April 13, 2016, August 25, 2016, August 30, 2016, October 6, 2016, November 2, 2016, January 16, 2017

**Members of the Panel:**

Ms. Sarah Kraicer, Barrister and Solicitor, Co-Chair

Professor Ernest Lam, Faculty Panel Member

Ms. Alice Zhu, Student Panel Member

**Appearances:**

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland, Barristers

Ms. Lauren Pearce, Articling Student, Paliare Roland, Barristers (February 16, 2016, April 13, 2016)

Ms. Emily Home, Articling Student, Paliare Roland, Barristers (August 25, 2016, August 30, 2016, October 6, 2016, November 2, 2016, January 16, 2017)

**In Attendance:**

Mr. W [REDACTED] the Student

Dr. Kristi Gourlay, Manager & Academic Integrity Officer, Office of Student Academic Integrity, Faculty of Arts & Science (February 16, 2016, April 13, 2016, August 25, 2016, August 30, 2016, November 2, 2016, January 16, 2017)

Professor John Britton, Dean's Designate, Faculty of Arts & Science (February 16, 2016, April 13, 2016, August 25, 2016, October 6, 2016, January 16, 2017)

Dr. William Ford, Educational Psychologist (October 6, 2016)

Mr. Paul Russell, Associate Registrar, Student Services, New College (October 6, 2016)

Ms. Krista Osborne, Administrative Assistant, Office of Appeals, Discipline and Faculty Grievances (February 16, 2016)

Ms. Tracey Gameiro, Associate Director, Office of Appeals, Discipline and Faculty Grievances, (February 16, 2016, April 13, 2016, October 6, 2016, January 16, 2017)

Mr. Christopher Lang, Director, Office of Appeals, Discipline and Faculty Grievances (April 13, 2016, August 25, 2016, August 30, 2016, November 2, 2016)

Mr. Sean Lourim, Technology Assistant, Office of the Governing Council (August 25, 2016, August 30, 2016, October 6, 2016, November 2, 2016, January 16, 2017)

Ms. Michelle Henry, Observer, newly-appointed Tribunal Co-Chair (August 25, 2016)

**A. The Charges, Agreed Statement of Facts, and Plea**

1. The Provost of the University filed 13 charges of academic dishonesty against the Student on July 22, 2013. These charges relate to eight separate incidents in four courses (two incidents per course) occurring between September 2012 and April, 2013. The full Charges are attached as Appendix A to these Reasons.
2. On August 15 and 16, 2016, the University and the Student entered into an Agreed Statement of Facts. (ASF). The ASF stated that the Student pleads guilty to eight of the charges: Charges 1, 2, 4, 5, 7, 8, 11 and 12, and that the Provost agrees to withdraw charges 3, 6, 9, 10 and 13. The Student and the University also signed a Plea Agreement dated August 12 and August 16, 2016 to the same effect. In the Plea Agreement, the Student agreed to plead guilty to two charges of making falsified personal statements in two documents seeking academic accommodation, and six charges of plagiarism in relation to six separate assignments. One of those charges of plagiarism relates to the purchase of an essay.

3. In signing the ASF, the Student acknowledged that he received legal advice with respect to the ASF, that he was signing the ASF freely and voluntarily, knowing of the potential consequences he faces, and that the Provost made no representations regarding what sanction or sanctions the Provost will seek at the hearing before the Tribunal.
4. At the outset of the hearing before this Tribunal, the Student confirmed his plea of guilty to the eight charges in the Plea Agreement and his acceptance of the ASF. After reviewing the Plea Agreement, the ASF, and the Joint Book of Documents (JBD), the Tribunal accepted the Student's plea of guilty to Charges 1, 2, 4, 5, 7, 8, 11 and 12.
5. The Tribunal therefore finds that the Student is guilty of two counts of the academic offence of providing falsified evidence as set out in Charges 1 and 2, and particulars:

**Charge 1.** On or about September 17, 2012, you knowingly falsified evidence required by the University of Toronto, namely, a Personal Statement, which you submitted to the Committee on Standing of the Faculty of Arts and Science ("Committee") in support of a request for academic accommodation, in course CHM 139, contrary to Section B.I.1(a) of the Code.

**Charge 2.** On or about December 2, 2012, you knowingly falsified evidence required by the University of Toronto, namely, a Personal Statement, which you submitted in support of an appeal from the decision denying your request for academic accommodation in course CHM 139, contrary to Section B.I.1(a) of the Code.

The particulars for these charges are as follows:

- (a) At all material times you were a student at the University of Toronto.
- (b) In September 2012, you submitted a petition seeking late withdrawal from CHM 139. In support of this petition you

submitted a Personal Statement to the Committee on Standing. You knew that the Personal Statement that you submitted contained false statements.

- (c) This petition was denied and, on December 2, 2012, you appealed this decision. You provided a personal statement in support of your appeal. You knew that this statement contained false statements, including that one of your relatives had died before you wrote your exam on August 15, 2012.
- (d) You knowingly submitted all of the statements described above understanding that the University of Toronto required such statements to be presented in order to obtain the academic accommodation you sought.
- (e) You knowingly submitted all of the statements described above with the intention that the University of Toronto rely on them in considering whether or not to provide you with the academic accommodations you requested.
- (f) You knowingly submitted these falsified documents and other false information in an attempt to obtain an academic advantage.

6. The Tribunal also finds that the Student is guilty of six counts of the academic offence of plagiarism, as set out in Charges 4, 5, 7, 8, 11 and 12:

**Charge 4.** On or about December 4, 2012, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in an essay, which you submitted for academic credit in NEW 241, contrary to section B.I.1(d) of the Code.

**Charge 5.** On or about April 2, 2013, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in an Event Reflection, which you submitted for academic credit in NEW 241, contrary to section B.I.1(d) of the Code.

Particulars of these charges are as follows:

- (a) In Fall 2012, you registered in Introduction to Disability Studies (NEW 241), which was taught by Eliza Chandler and Anne McGuire.
- (b) On December 4, 2012, you submitted an essay titled "Claiming Disability as an Identity is Important to Disrupt Notions of Normalcy and Abnormalcy." Portions of this essay were taken verbatim or nearly verbatim from other sources. You did not properly attribute or reference these passages. You did not include the source of one of these passages in the bibliography for this essay.
- (c) You were also required to attend a disability community cultural event and to submit a short reflection on the event that drew on and engaged with one or more of the themes discussed in the class. On or about April 2, 2013, you submitted your event reflection, which was titled "Open Talk about Students" A significant part of your event reflection was taken verbatim or nearly verbatim from an editorial written by Eliza Chandler. You did not properly reference these passages. You did not include Ms. Chandler's article in the bibliography for your event recollection.
- (d) With respect to both submissions described above, you knowingly represented the work of another as your own work. You knowingly included in each submission ideas and expressions that were not your own, but were the ideas and expressions of others, which you did not acknowledge.
- (e) For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in the assignment.

**Charge 7.** On or about February 20, 2013, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in Assignment 1, which you submitted for academic credit in NFS 284 Basic Human Nutrition, contrary to section B.I.1(d) of the *Code*.

**Charge 8.** On or about March 13, 2013, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in

Assignment 2, which you submitted for academic credit in NFS 284, contrary to section B.I.1(d) of the *Code*.

Particulars of these charges are as follows

- (a) Students in NFS 284 were required to submit several assignments, including Assignment 1, of which was worth 19% of the final grade in the course, and Assignment 2, which was worth 18% of the final grade.
- (b) On or about February 20, 2013, you submitted Assignment 1. Portions of this essay were taken verbatim or nearly verbatim from other sources. You did not properly attribute or reference these passages. You did not include the source of some or all of these passages in the bibliography for Assignment 1.
- (c) On or about March 13, 2013, you submitted Assignment 2. You knowingly received unauthorized assistance from Muhamed Aamir Iqbal, or other persons unknown, when the assignment was written.
- (d) You purchased the document you submitted as Assignment 2 from Mr. Iqbal, or persons unknown, and submitted it without doing any meaningful academic work on it.
- (e) With respect to both submissions described above, you knowingly represented the work of another as your own work. You knowingly included ideas and expressions that were not your own, but were the ideas and expressions of others, which you did not acknowledge. For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in each assignment

**Charge 11.** On or about November 5, 2012, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in "Assignment 2," which you submitted for academic credit in UNI 209 Introduction to Health: Determinants of Health & Health Care, contrary to section B.I.1(d) of the *Code*.

**Charge 12.** On or about December 10, 2012, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in "Assignment 3," which you submitted for academic credit in UNI 209, contrary to section B.I.1(d) of the Code.

Particulars of these charges are as follows:

- (a) Students in UNI 209 were required to submit several assignments including Assignment 2, which was worth 35% of the final grade in the course, and Assignment 3, which was worth 50% of the final grade.
- (b) On or about November 5, 2012, you submitted Assignment 2. Portions of your submission were taken verbatim or nearly verbatim from other sources. You did not properly attribute or reference these passages.
- (c) On or about December 10, 2012, you submitted Assignment 3. Portions of your submission were taken verbatim or nearly verbatim from other sources. You did not properly attribute or reference these passages at least one of, which you did not include in the bibliography for this essay.
- (d) With respect to both assignments, you knowingly represented the work of another as your own work. You knowingly included ideas and expressions that were not your own, but were the ideas and expressions of others, which you did not acknowledge. For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in each assignment.

## **B. Sanction**

7. The University sought the following sanctions:

- (a) a final grade of zero in each of the affected courses,

- (b) an order that the Student be immediately suspended from the University for up to 5 years,
- (c) an order that the Tribunal recommend to the President of the University that he ask the Governing Council to expel the Student from the University, and
- (d) an order that the case be reported to the Provost for publication with the Student's name withheld.

8. A recommendation for expulsion is the most serious sanction this Tribunal can order. It means that the student shall be denied any further registration in the University in any program, and the expulsion is permanently recorded on the student's transcript.

9. The Student opposed these sanctions and asked that the Tribunal take a number of mitigating factors into account, focusing primarily on the fact that he suffers from a number of mental health conditions and learning disabilities. We address these mitigating factors below. He did not specify what alternative sanction or sanctions he considered appropriate.

10. The University filed documentary evidence, led evidence from Professor Britton regarding two prior offences of plagiarism, and called reply evidence from Mr. Russell regarding the Student's interactions with the Office of the Registrar regarding his course load and academic difficulties. The Student filed documentary evidence, testified himself, and called as a witness Dr. Ford, an educational psychologist who had conducted a psychoeducational assessment of the Student in 2015. All witnesses were cross-examined. Both parties made argument on the applicable principles and cases. In addition to his oral submissions, the Student also filed a series of detailed written submissions, revised over the period of the hearing, which referred to the evidence and outlined his arguments.

11. The sanction stage of this hearing was originally scheduled for one day, but in the end took over 5 hearing dates. On the final date of the hearing, which had been

scheduled for 2 hours, the Student arrived 45 minutes late, and then left the hearing early, after an evidentiary ruling that he disagreed with. The Tribunal then closed the hearing, and reserved its decision on sanction and its reasons.

12. The relevant principles and criteria for this Tribunal to consider in relation to sanction are set out in the decision of *University of Toronto and Mr. C* (Case No. 1976/77-3; November 5, 1976). These are:

- a. The character of the person charged;
- b. The likelihood of a repetition of the offence
- c. The nature of the offence committed
- d. Any extenuating circumstances surrounding the commission of the offence
- e. The detriment to the University occasioned by the offence;
- f. The need to deter others from committing a similar offence

13. In addition, while the individual circumstances of each case are the paramount focus when considering the appropriate sanction, the Tribunal's sanction should be generally consistent with the approach to sanctions that have been administered by other Tribunals for similar offences to ensure that the student is being treated fairly and equitably in relation to other students. We are not bound by other Tribunal decisions, nor are there any benchmarks or presumptions that we must follow - we must determine what is the appropriate sanction in the individual circumstances of the case before us.

#### **a) Evidence Regarding Prior Offences**

14. The Student was previously sanctioned for plagiarism in respect of two separate incidents arising in the preceding academic year 2011-2012. He submitted a plagiarized essay in FOR303H1 for which he received the sanctions of a zero for the assignment and a further reduction of his final grade of 25 marks, with a transcript

annotation for 3 years. He also submitted a plagiarized assignment in JMB170Y. He received the sanctions of a zero for the assignment in question, and a further reduction of his final grade of 12 marks, with a transcript annotation of 3 years.

15. The Student met with the Dean's Designate, Professor John Britton, about these two prior offences on September 7, 2012. He received the sanction decisions from Professor Britton via email on September 12, 2012. Professor Britton testified regarding this meeting, his email, and these prior offences.

16. With respect to FOR303H1, the Student was initially reluctant to take responsibility for his plagiarism, or to admit that he had committed an academic offence, but ultimately conceded that he had committed the academic offence of plagiarism. Professor Britton's decision letter provided advice to the Student as to how to avoid plagiarism in the future. It also advised the Student that it was his responsibility to manage his academic and personal commitments in a manner that does not compromise his academic integrity, and that if he needed advice on how to do so he should speak to his college registrar for direction as to appropriate campus resources. The letter concluded with a warning that "all future academic work must follow the rules and regulations of the University; you are expected to be familiar with them... if you should come to my attention again for another allegation of academic misconduct, you will be facing a possible suspension from the University."

17. With respect to JMB170Y, the Student initially tried to deny the allegations with respect to the assignment, but ultimately conceded that he had resubmitted the same work, that the assignment contained plagiarised material and that he had committed an academic offence. The decision letter also stated that there had been a "frustrating and ultimately unproductive" discussion with the Student regarding submission of a medical note to support a claim that he had missed a term test because of illness. While the Student was not found to have committed misconduct with respect to this medical note, it is clear that he and the Dean's Designate had had a discussion about the University's expectations for the requirements of medical

notes to support illness as a reason for missing a test. This decision letter also included the same advice as to how to avoid plagiarism, and the same warning about future allegations of misconduct. It added, "your behaviour troubles me greatly and suggests a pattern of ignoring advice or instructions if that advice or instructions are not agreeable to you. As I told you at our meeting, this is not the way to succeed at the University of Toronto where the rules apply to everyone, and failure to adhere to them can be construed as academic misconduct."

18. The Student sought to downplay the advice and warnings he had been given for these previous offences in his evidence before us. He stated that during the meeting with Professor Britton he had difficulty understanding the Code of Behaviour, because he did not have any accommodations at that meeting for his then-undiagnosed learning disabilities. Professor Britton did not recall the Student struggling to understand the Code at the meeting, or the Student requesting any form of academic accommodation during the meeting. We note that the Student received the warnings in writing as well as orally during the meeting, and that he could have, but did not, seek clarification or explanation after receiving the letters. We do not accept his arguments that he did not understand the sanction or the advice given to him by Professor Britton for his two prior offences.

#### **b) The Nature of the Offences Committed**

19. The Student committed 6 acts of plagiarism, and two acts of filing a false petition, in the Fall and Winter of the 2012-2013 academic year.

20. Turning first to the acts of plagiarism, the Student submitted a plagiarized assignment in UNI 209 on November 5, 2012, a plagiarized Term Paper in New 241 on December 4, 2012, a plagiarized Final Paper, Assignment 3 in UNI 209 on December 10, 2012, a plagiarized Assignment 1-Abstract in NFS 284 on February 20, 2013, a plagiarized purchased Assignment 2 in NFS 284 on March 13, 2013 and a plagiarized Event Reflection in NEW 241 on April 2, 2013.

21. The Student argued that the Tribunal should not take into account that he had purchased the essay that he had submitted as Assignment 2 in NFS284, because the University “dropped” the purchased essay charge when it withdrew Charge 9 (unauthorized assistance), and only continued with Charge 8 (plagiarism). While he acknowledges that the ASF admits the facts that he did purchase the essay that he submitted as his own work as Assignment 2 in NSF284, he submits that admitted facts surrounding the purchased essay cannot be considered by the Tribunal in determining sanction.

22. The relevant Charges 8 and 9 and ASF paragraphs are the following:

**Charge 8:** On or about March 13, 2013, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in Assignment 2, which you submitted for academic credit in NFS 284, contrary to section B.I.1(d) of the *Code*.

**Charge 9:** On or about March 13, 2013, you knowingly obtained unauthorized assistance in connection with Assignment 2, which you submitted for academic credit in NFS 284, contrary to section B.I.1(b) of the *Code*.

**Agreed Statement of Facts:**

55. [The Student] submitted his completed Assignment 2 on March 13, 2013. A copy of [the Student]’s submission, as graded by Ms. Vien, is included in the JBD at Tab 25.

56. A printout of the document properties for [the Student]’s short essay for Assignment 2 is included in the JBD at Tab 16. The name Aamir Iqbal appears in the Author field of the document properties. The document properties indicate that the paper was last modified by “[Student’s first name]”.

57. A copy of the Liveperson profile for Muhammad Aamir Iqbal is included in the JBD at Tab 27. Mr. Iqbal’s profile states that he is a “PhD scholar and I offer my proficiencies to provide assistance in your studies at reasonable price.” [sic] Mr. Iqbal’s profile represents that he is a “qualified nutritionist” with “experience as a Nutritionist at a reputable hospital.” He also states that he is

“available to assist students of numerous disciplines who pursue [his] service, and you will obtain admirable plagiarism free piece of work in reasonable price.” [sic]

58. [The Student] admits that he paid Mr. Iqbal to write the short essay that Mr. K ■ submitted in his own name as part of Assignment 2. Mr. K ■ admits that he did no meaningful academic work on the short essay before submitting it.

59. [The Student] admits that in the short essay component of Assignment 2 for NFS284, he knowingly

- (a) represented in his essay the ideas of another person, the expression of the ideas of another person, or the work of another person as his own; and
- (b) committed plagiarism, contrary to section B.I.1(d) of the *Code*.

23. In support of his argument, the Student provided the Tribunal with a copy of an email dated November 1, 2016 from the law student who formerly represented him. The law student's email states:

[...]

Originally, the charges on this assignment were two fold:

- (1) a charge for a purchased essay
- (2) a charge for plagiarism

Due to your guilty plea, the first charge, which is regarded as more serious, was dropped. I explained during our meeting that in the ASF, the facts would still state that you purchased your essay, but the charge would be solely for plagiarism.

[...]

24. Counsel for the University objected to the introduction of this email, arguing that this was new hearsay evidence submitted after the evidence was supposed to be completed, and further that he had no opportunity to obtain the law student's file or question her about her advice. The Tribunal agreed to admit the email, but a number of factors, in addition to the concerns raised by the University, limit the weight we

give to it, and significantly qualify the extent to which it supports the Student's argument that we not consider the fact that the essay was purchased.

25. The law student did not testify, so the email is unverified and untested. We were not provided with the Student's questions to the law student which prompted this email. We do not know what she reviewed, whether she understood the context in which the question was asked, or how the email would be relied on. The email incorrectly states that the withdrawn charge 9 was for a "purchased essay", whereas the withdrawn charge was actually for "unauthorized assistance", so her understanding of the original charges is not accurate. Further, the email confirms that the law student had explained to the Student that the ASF would still include the admitted facts that he had purchased the essay. The email is silent as to what these explanations were as to the implications of including in the ASF the admitted facts of purchasing an essay in determining penalty for the remaining charge of plagiarism.

26. In the Tribunal's view, the withdrawal of Charge 9 by the Provost does not have the effect of preventing the Tribunal from taking into account the admitted facts in the ASF regarding the purchase of the essay. These facts support the Charge 8 of plagiarism to which the Student pleaded guilty. The ASF sets out 4 detailed paragraphs of admitted facts that establish that the Student purchased an essay that he submitted for credit as his own. The Student admitted that he paid Mr. Iqbal to write Assignment 2 in NFS 284, that the Student submitted the purchased essay in his own name, and that he did no meaningful academic work on it. The Student did not dispute or withdraw any of these factual admissions. The Student received an explanation from the law student that the facts admitting that he purchased the essay would remain in the ASF. Inclusion of these facts in the ASF in relation to the plagiarism charge for this assignment is not consistent with the Student's argument that the Tribunal cannot consider those facts in determining sanction. The argument that "plagiarism" is a different charge than "purchasing an essay" is also not consistent with Tribunal jurisprudence, which commonly considers purchased essays as a form of "plagiarism" under the Code. While we do not have specific

evidence before us from the University as to why it withdrew Charge 9, we note that both Charge 8 re plagiarism and Charge 9 re unauthorized assistance relate to same incident and arise from the same facts, and proceeding with both could possibly have raised concerns about duplicity of charges.

27. While not raised as an issue by the Student, we have also considered whether his submissions bring into question the voluntariness and informed nature of his guilty plea with respect to Charge 8. We conclude that it does not. There is no question that the Student knew that the ASF included 4 paragraphs of facts admitting that he had purchased the essay that he submitted in NFS 284. He knew that those facts were admitted in relation to plagiarism under Charge 8. He acknowledged in the ASF that the Provost had made no representations as to the sanction to be sought. He has not sought to resile from his guilty plea, or to deny the facts underlying the plea. His arguments relate solely to sanction, and in particular that the withdrawal of Charge 9 indicates that the nature of his misconduct should be considered to be "less serious". While we do not accept that argument, there is in our view no basis to find that the guilty plea to Charge 8 was not informed.

28. All plagiarism is serious misconduct, as it undermines the fundamental academic relationship of credibility, honesty and trust between a student and the University. It strikes at the core of academic integrity. Knowingly representing the work of another as one's own is a breach of that trust and evinces an intention to obtain academic credit on false pretences. The Preamble to the Code states:

The concern of the Code of Behaviour on Academic Matters is with the responsibilities of all parties to the integrity of the teaching and learning relationship. Honesty and fairness must inform this relationship, whose basis remains one of mutual respect for the aims of education and for those ethical principles which must characterize the pursuit and transmission of knowledge in the University ...

Such cooperation is threatened when teacher or student forsakes respect for the other – and for others involved in learning – in favour of self-interest,

when truth becomes a hostage of expediency. On behalf of teacher and student in fulfillment of its own principles and ideals, the University has a responsibility to ensure that academic achievement is not obscured or undermined by cheating or misrepresentation, that the evaluative process meets the highest standards of fairness and honesty, and that malevolent or even mischievous disruption is not allowed to threaten the educational process.

29. Plagiarism that relates to a purchased piece of academic work is among the most egregious of academic offences. As noted by the Discipline Appeal Board in the 2011 *C., H. and K.* (Case No. 596, 597, 598, November 23, 2011) decision, it involves intention, planning and deliberate deception. It is often more difficult than other types of plagiarism to detect. It introduces a 3<sup>rd</sup> party commercial element into the academic relationship between professor and student which should be governed by individual effort, thought and hard work, and it strikes deeply at the core values of the institution of the University.

30. The University argues that this Tribunal should consider the plagiarism charge with respect to the purchased essay in NFS 284 to be the most serious of the six plagiarism charges, and one that in and of itself would warrant the sanction of a recommended expulsion, particularly with two prior offences. We are also informed by the Provost's Guidelines which suggest that the recommended sanction for submitting purchased work is expulsion from the University.

31. Here, all of these elements underlining the seriousness of the offence of plagiarism are present. With respect to the purchased essay in NFS 284, the Student sought out and hired a person who advertised online as an expert nutritionist who provided assistance to students and "you will obtain admirable plagiarism free piece of work in reasonable price" [sic]. The Student paid Mr. Iqbal to write the short essay component of Assignment 2 that he submitted in his own name. This deception was only uncovered through an examination of the metadata "Author" field of the document properties. His actions were planned and deliberate, and intended to

deceive the University.

32. With respect to the other 5 charges, the Student plagiarized from lecture slides, from the "Ask Me Anything" on-line forum on Reddit, from assigned course readings, and from academic articles. The plagiarised material was a significant portion of the submitted essay or assignment in most of these instances.

33. Turning next to the offences relating to the submission of false information in personal statements, the Student submitted a Petition to request late withdrawal from CHM 139 without financial penalty on approximately September 17, 2017. The ASF contains the following admitted facts about this Petition:

15. [The Student] included a personal statement in his Petition. In the personal statement, [the Student] stated that his family knew personally the grandfather who collapsed and asserted a more personal connection to that grandfather. [The Student] also explained that his request for a late withdrawal from CHM 139 was related to concerns about his cousin, who did not live in Canada, and who had been having mental health problems as a result of his parents' divorce. [The Student] admits that these statements were not true.

34. After the Committee on Standing denied the petition for late withdrawal, the Student appealed. The Student again submitted a second personal statement. The ASF contains the following admitted facts about this appeal:

18. [...] In support of his Appeal, [the Student] submitted a personal statement. He stated that he was seeking a late withdrawal in CHM 139 because of the death of one of his relatives. He stated that after hearing about the death of his relative, "I was unable to concentrate on my studies and had a mental breakdown". [The Student] admits that these statements were not true.

19. On December 4, 2012, Mr. Russell emailed [the Student] requesting that he provide original documentation confirming the death of his relative.... [The Student] never provided any such documentation because no relative of his died prior to the examination in CHM 139.

20. [The Student] admits that he knowingly submitted documents, including the personal statements in the Petition and the Appeal, that contained false information [...]

35. The Student admitted in the ASF that he submitted false statements about the collapse of a grandfather, concerns about mental health problems of his cousin, and the death of a relative, which caused him to be unable to study for the examination in CHM 139. He provided this false information in order to gain an academic advantage – late withdrawal without penalty from CHM 139 – that he otherwise would not be entitled to receive. He provided false information twice – both on the original petition, and then again when he appealed the decision to refuse the petition.

36. Falsification of information in a petition is a very serious offence. The Student deceived the University in order to take advantage of the University's petition system which is intended to provide students who experience genuine personal difficulties or circumstances with a means to obtain extraordinary relief from academic requirements and deadlines. The petition system relies on students providing truthful statements about their personal circumstances, as it is not possible for the University to investigate all of these statements. By submitting false information in his personal statements, the Student breached his relationship of trust with the University and undermined the integrity of the petition system.

37. The Tribunal heard a great deal from both the Student and the University regarding a subsequent statement he made to Dr. Ford in 2015 that "I found out sometime before August 15, 2012 that one of my cousins died due to family problems. I was unable to concentrate and study for the CHM 139 exam on August 15 and had a mental breakdown". The Student adamantly denied that his statement to Dr. Ford was false or that it was inconsistent with the statements in his ASF. On the final day of the hearing, the Student sought to admit in evidence an email from his previous law student representative dated November 3, 2017 containing her opinion as to whether the ASF stated that the Student lied as to whether his cousin had died. The

Tribunal did not admit this email into evidence. The Tribunal held it was improper opinion on an issue of marginal relevance, was filed too late, was unverified, and referred to only part of the ASF. The Student did not accept the Tribunal's ruling and left the Hearing without making any further submissions shortly thereafter.

38. The Student's testimony on this issue was very difficult to follow, self-contradictory, and did not make logical sense. However, this entire line of evidence is also largely irrelevant to our decision on sanction. Whether or not the Student subsequently lied to Dr. Ford about the reasons he sought the petition, or whether there is an inconsistency between the ASF and the statement to Dr. Ford, is not the issue in this proceeding. What is at issue is that he lied to the University in his personal statements about the reasons for seeking the petition and appeal, and that is not in dispute. He has admitted to those false statements in the ASF.

39. The Student also submitted to us that the offences were less serious because he did not commit them intentionally. He stated that the fact that he disputed the grades given on a number of the plagiarized essays before the plagiarism was discovered showed that he did not appreciate that the essays contained plagiarism. He also argued that the withdrawal of certain charges by the University which included allegations of "knowingly" committing offences meant that he had not committed the remaining charges intentionally.

40. The Tribunal does not accept these arguments. "Knowing" under the Code of Behaviour in connection with an offence means either that the Student knew or that he ought reasonably to have known something. Here, the Student admitted in the ASF that he "knowingly" committed the offences to which he pled guilty, and the charges to which he pled guilty all indicate that they were "knowingly" committed. The withdrawal of other charges is irrelevant. The evidence before us also demonstrates that he knew or ought to have known that his conduct constituted an offence. He received general warnings about plagiarism in his courses. In addition, he received individual warnings and advice from Professor Britton after his prior

offences about avoiding plagiarism and the need to submit accurate information to obtain relief from academic requirements. It is evident that the Student either knew or ought reasonably to have known the facts underlying all of the offences to which he pleaded guilty. Finally, while it is true that the Student appealed the grades he had received in connection with certain of the plagiarized essays, thereby bringing additional scrutiny to those essays, this fact does not in our view contradict the admitted facts in the ASF or indicate that he did not “knowingly” plagiarise. The evidence and submissions before us indicated that the Student repeatedly and persistently disputed grades that he felt were too low or unfair, including raising this before the Tribunal, even after being advised that grade disputes were not relevant to this proceeding. We do not think that undiscovered plagiarism would have necessarily deterred the Student from appealing a grade where he was unhappy with the grade received.

#### **c) Detriment to the University Occasioned by the Offences**

41. Honesty and fairness are at the core of the teaching and learning relationship between student and University. Cheating, dishonesty and misrepresentation by a student in relation to academic work submitted for credit, or in relation to personal statements submitted to obtain relief from academic requirements, undermine the University's ability to ensure that academic achievement is based on respect for the aims of education, and are contrary to fundamental ethical principles that characterize the pursuit and transmission of knowledge in the University. This misconduct causes harm to the entire University community, including other students of the University whose academic achievements are premised on the fairness of evaluations and who may need to rely on a fair petition system.

#### **d) The Need to Deter Others**

42. It is important to deter other students from committing offences like those committed by the Student. Plagiarism is a widespread concern for the University. The University community should know that plagiarism is subject to a strong sanction, in order to deter others from seeking to gain an academic advantage through presenting the work of others as their own. Where the plagiarism involves a purchased essay, the need to deter others is even more acute: there are many commercial services available to students of the University, like that provided by Mr. Iqbal, that sell individual, tailored essays and advertise that they can be passed off as the student's own work with little chance of detection.

43. It is similarly important to deter students from submitting false information in personal statements accompanying petitions and appeals for relief from academic requirements. Petitions are widely relied on by many students with genuine needs. Petitions are largely based on the "honour system", and therefore a strong sanction is required where dishonesty has been found so that all students are aware that there will be serious consequences for undermining the integrity of this system.

#### **e) Likelihood of a Repetition of the Offence**

44. The large number of incidents of misconduct, the fact that these incidents were committed shortly after the Student had already been warned and disciplined for prior offences of plagiarism and that they were committed while the Student was under a transcript notation for the prior offences, are strong factors which indicate that there is a significant likelihood that the Student is likely to repeat the offences.

45. Particularly relevant is the fact that the Student submitted a falsified personal statement in his petition (Charge 1) on September 17, 2012, which is only ten days after his meeting with Professor Britten to discuss these prior offences and only five days after receiving two disciplinary letters with strong warnings about this prior academic misconduct. So the Student not only ignored general information about plagiarism through course material and syllabuses and lectures, he also ignored

specific advice and warnings from Professor Britton, including advice about the supporting documentation necessary for medical illness notes. The fact that the Student submitted false personal information to the University such a short time after this prior disciplinary action, and committed new acts of plagiarism in the two academic terms that followed, indicates that the Student did not learn from his past mistakes, did not take advantage of any of the warnings or minor sanctions he had previously received and instead was prepared to continue to breach the University's Code of Behavior to obtain academic advantage.

46. Also relevant is the fact that the Student committed two prior offences and eight additional offences in rapid succession over the course of 3 academic terms. This is a very large number of offences in a short period of time.

47. On the other hand, the Student points out that he has not committed any further offences since April 2, 2013. He has completed a total of 8 credits since that date as of Winter 2016 and currently has a total of 10.5 credits. The Student states that now that he is receiving appropriate accommodations for his learning disabilities, he is no longer committing misconduct, and there is no likelihood that he will do so in the future.

48. We do not accept that the Student's misconduct relates to the absence of accommodations by the University. As outlined in further detail below, the Student's educational psychologist Dr. Ford did not think there was any connection between the Student's learning disabilities and his acts of misconduct. The fact that the Student currently has certain accommodations does not therefore make it less likely that he will commit offences in the future. We further note that the Student has been subject to this Tribunal process since July 2013, and this may be an alternative reason for him not committing further offences since April 2013.

49. On balance, the fact that the Student has completed eight credits over four years without further academic misconduct is a factor that points away from the likelihood

of repetition, although we do not consider it a strong countervailing factor compared to the other factors that point to a real risk that the Student will continue to disregard the University's rules in the future.

#### **f) Extenuating Factors Surrounding the Commission of the Offence – Mitigating Factors**

50. The Student advanced a number of mitigating factors that he urged this Tribunal to consider in determining the appropriate sanction for the offences he committed. The most significant mitigating factor that he relied on related to his mental health conditions and learning disabilities. The Student's overall argument can be summarized as follows: He suffered from mental health and learning disabilities during the 2012-2013 period when he committed these acts of misconduct. These disabilities were at that time undiagnosed and untreated. Because the University failed to provide him with accommodations for his learning disabilities during this period, his unaddressed learning disabilities caused him to be "at a disadvantage" academically during these first two years, and he did not therefore have a fair and equal opportunity for academic success. This explains why he committed the misconduct. He submits that sanctioning him for misconduct would "indirectly be punishing me for the symptoms of my disabilities".

#### **i) Medical and Psychiatric Evidence re Mental Health Disabilities**

51. The Student submitted a Consultation Note dated April 22, 2016 from Dr. Leah Smith, on behalf of Dr. Daniel Greben and an Emergency Multi-disciplinary Assessment Note dated April 13, 2016 by Dr. Kathleen Broad of CAMH. These doctors saw the Student in April, 2016. None of the physicians referred to in these documents testified at the hearing.

52. The Student relied on these documents as a basis for the Tribunal to take into account as a mitigating factor that he has a number of mental health conditions,

including bipolar disorder, major depressive disorder and anxiety, and that these were untreated and operating at the time of the misconduct, and resulted in him being unable to manage anxiety and depression in an academic setting.

53. As the Tribunal did not hear from any of the physicians referred to in these documents and there was no opportunity to question the authors, we approach this evidence with caution. We note that the April 22, 2016 Note reports that the Student was previously diagnosed with bipolar disorder (February 24, 2016) and a learning disability including symptoms of ADHD and anxiety (October 2015). The Consultation Note gives a provisional diagnosis of major depressive disorder (“long standing untreated depression with comorbid symptoms of anxiety”) and disagrees with the earlier diagnosis of bipolar disorder.

54. We accept that the Student received this provisional diagnosis in April 2016, and that depression can be a chronic condition, but the evidence before us is insufficient to conclude that the Student was therefore suffering from depression and anxiety at the time of the commission of the offences in 2012 and 2013. The Student testified that he was depressed and anxious during this period, and the 2016 Notes record that the Student reported to the CAMH physicians in 2016 that his symptoms of depression either began or worsened when he started University. There are no contemporaneous medical records to support the timing of the onset of these symptoms. However, the Student has provided his Student Medical Certificates for the period of 2012-2013 which do not indicate that the Student sought assistance during this period for symptoms of anxiety or depression. The Certificates are for illnesses such as colds and stomach flu. The Certificates we have reviewed record complaints of anxiety and /or depression starting in 2014, one year after the commission of the offences.

55. We also have a concern about the reliability of the Student’s statement to the CAMH physicians in 2016 regarding the timing of the onset of his symptoms. The 2016 Consultation Note reports that the Student planned to use the physician’s

assessment note as evidence before this Tribunal. The Student's April 2016 CAMH assessment resulted from the Student's behaviour after he called 911 from outside the hearing room when he was denied an adjournment by this Tribunal. The notes of the April 13, 2016 assessment state that the Student wanted "a copy of this assessment as he 'wants to be taken seriously' by staff at University of Toronto". While this does not mean that the Student misrepresented the timing of the onset of his symptoms when speaking to the doctors, it does mean that the Student was aware that he was creating evidence for this proceeding when he provided information to them, and we therefore give this evidence less weight.

56. In the end, the evidence before us does not establish that the mental health issues the Student was diagnosed with in 2016 were also present in 2012-2013 when the offences were committed. In any event, even if the Student were suffering from anxiety and depression at the time, there is no evidence before us that would link the Student's mental health circumstances at that time with the commission of the offences. There is, for example, no evidence that would suggest that the Student's anxiety or depression is an explanation or excuse for purchasing an essay, for submitting other plagiarized course work or for making falsified personal statements.

#### **ii) Psychological Evidence Regarding Learning Disabilities**

57. The Student was diagnosed with Specific Learning Disorders (i.e. learning disabilities) in late 2015 by Dr. William Ford, an educational psychologist who testified at this hearing. The Student was originally referred to Dr. Ford by the Office of Accessibility Services. Dr. Ford conducted a Psychoeducational Assessment in August and September, 2015, and prepared a Diagnostic Report dated October 20, 2015, for the purpose of determining the Student's eligibility for Accessibility Services at the University. The Diagnostic Report stated that the Student had "specific learning disorders" comprised of a "moderate impairment in reading speed for comprehension under timed conditions" and a "mild impairment in the clarity and

organization of written expression”.

58. Dr. Ford confirmed in his testimony that the Background section of the Report, which states that the Student had episodes of anxiety and depression since starting his university studies, was based solely on information from the Student. Again, because this is unverified information from the Student after these proceedings were underway, and because Dr. Ford was not assessing or treating the Student for anxiety or depression, we give it little weight.

59. In addition to the Report, Dr. Ford wrote a letter dated September 24, 2015, at the Student's request, for use in evidence in this proceeding. The letter stated that “In my professional opinion, the cumulative impact of [the Student's] learning challenges appear to be the source of his ongoing struggle maintaining his course work and the academic challenges which have resulted [sic] the issues leading to the current appeal.”

60. In his testimony before us, Dr. Ford significantly qualified this statement, and clarified that in his opinion there is no causal link between the Student's learning difficulties and his admitted academic misconduct.

61. What became clear during the cross-examination is that Dr. Ford had a very limited and in some respects erroneous understanding of the Student's circumstances. He relied on unverified statements made to him by the Student, and had no knowledge of many of the facts the Student has admitted to in these proceedings. He did not see the Student during the relevant period of time during which the offences occurred.

62. Dr. Ford acknowledged that he did not have any information at the time he prepared the Psychological Assessment of the charges facing the Student or any of the evidence relied on by the University in support of those charges. The Student had advised Dr. Ford that he failed two courses in the Fall of 2011 but did not tell him

that his failing mark reflected the fact that he had received a zero in an assignment in each of those courses for plagiarism. The Student also did not explain to Dr. Ford that the three classes in 2012-2013 for which he had a "GWR" notation on his transcript were subject to allegations of academic misconduct. In fact, Dr. Ford confirmed that the Student did not give him any indication that there were allegations against him in the 2012-2013 year regarding plagiarism or purchase of an essay.

63. When asked whether there was anything about the Student's learning difficulties that would relate to submitting a purchased essay, Dr. Ford stated it "would be a very difficult connection to make". He agreed that neither he nor any professional would recommend that the rules and standards regarding academic integrity not apply as an accommodation for the Student's learning difficulties. He further stated "I do not believe he did this because of any learning disability".

64. In our view, Dr. Ford clearly wished to provide support to the Student who was his client. He nevertheless also sought to give accurate evidence to the Tribunal on the issues before it. He forthrightly contradicted propositions put to him by the Student where he disagreed with them. The Tribunal accords very significant weight to his testimony before us discounting any link between the Student's learning disabilities and the academic offences the Student committed.

65. The Student also presented documentary evidence from the Office of Accessibility Services and from a Speech Language Pathologist describing the academic accommodations and strategies he currently receives to assist him to study effectively and efficiently at the University. It is clear that the Student does have learning disabilities and that he receives accommodations for them. This evidence does not, however, provide any link between the learning disabilities and the commission of the offences in 2012-2103.

66. The Tribunal has very carefully considered the evidence and the Student's submissions regarding whether his disabilities should be considered a mitigating

factor in the sanction for the offences before us. The Tribunal accepts that the Student suffers from anxiety, depression and learning disabilities, and is sympathetic to the challenges he faces as a result of these conditions. He testified that he is now regularly seeing health professionals and is working on addressing his anxiety and learning disabilities. While we encourage the Student in continuing to pursue appropriate treatment and supports, we have concluded that we do not consider his disabilities to be a mitigating factor relating to the commission of the academic offences for the purposes of determining sanction. What is lacking in the evidence before us is, first, evidence of whether and to what extent the Student suffered from these conditions at the relevant time in 2012-2013, and second, evidence of any linkage between the disability and the misconduct that would give a reasonable explanation of why he did what he did, or make him somehow less culpable for his conduct.

67. To the extent that the Student suggested that his misconduct was justified because the University did not provide him with accommodations for his learning disability in 2012-2013, we reject that argument. A lack of accommodations is not a reasonable excuse for plagiarism, purchasing essays, or falsifying information submitted for academic advantage. As Dr. Ford said in his testimony, it is not an appropriate accommodation of a learning disability to recommend that a Student not be required to meet the standards in the Code.

68. Other mitigating factors identified by the Student were that he signed the ASF (which is discussed below) and that he has participated in two student volunteer activities at the University. We do not consider either of these factors to be sufficiently mitigating to warrant a departure from the normal principles of sanction.

#### **g) Aggravating Factor – Conduct at the Hearing**

69. The Tribunal considers as an aggravating factor in this case the manner in which the Student has conducted himself in this hearing. In a number of instances, the

Student failed to treat the process, or this Tribunal, with appropriate respect and courtesy:

- on four of the six hearing dates, the Student arrived at the hearing 30 minutes to one hour late, blaming the weather conditions, the transit system or traffic, or offering no reason;
- on two hearing dates, the Student arrived unprepared, without hard copies of his documentary evidence, blaming a broken printer, necessitating a lengthy break while the Office of Appeals staff photocopied and collated his evidence;
- the Student filed a written submission containing inflammatory and unfounded allegations of “perjury” and “defamation” against discipline counsel for the University;
- after persisting in disagreeing with an evidentiary ruling made by the Tribunal on the final day of the hearing, the Student stated that the Tribunal was “not honest” and was “rigged”.

70. We understand that the hearing process is stressful for the Student and that he may well have been unfamiliar and frustrated with aspects of the process. However, the lateness and lack of preparation persisted even after the Student was warned not to repeat the behaviour. The inflammatory accusations against counsel and the Tribunal are improper and unacceptable. In our view, these incidents are an aggravating factor as they demonstrate a lack of respect for the University and its discipline process and raise a serious concern about the Student’s continued inability to govern himself in accordance with the University’s standards, rules and responsibilities.

## **h) Character of the Person Charged**

71. Through the evidence in this proceeding, and through his interactions with the University and this Tribunal, the Student has been shown to be a person who does not accept responsibility for his conduct, who deflects blame on others when his behaviour is challenged, and who has not demonstrated any meaningful insight, remorse or regret for the offences that are the subject of this proceeding.
72. As examples of his failure to take responsibility and instead blame others, the Student blamed the University for not referring him earlier to Accessibility Services, and stated that the lack of accommodation is what resulted in him committing these academic offences. The Student also blamed the University for not counselling him to reduce his course load in 2012-2013, and that it was therefore the University's fault that he was overwhelmed by academic requirements when he committed these offences. He submitted "the university failed to give me, as a student with disabilities, the opportunity to succeed. The grades that I received are not an accurate reflection of my academic abilities because I have always been at a disadvantage due to the lack of accommodations".
73. The University countered with evidence that the Student had not disclosed any disability or requested accommodations in 2012-2013 and was in fact resistant to the Registrar's office's attempts at that time to counsel him to reduce his course load and drop upper year courses (he initially declined to drop any courses, then eventually did so but too late to assist him in reducing his workload). To the University Registrar, the Student's academic difficulties during this period were explicable by his inappropriate workload for most of the term, his course selection, and the effects of penalties for his prior offences. In the circumstances, we view the University's actions as reasonable.
74. The Student also suggested that any inconsistencies between his testimony and the ASF were result of the fact that he was not provided with accommodations when he

signed the ASF in 2016 with his legal representative. However, he had acknowledged that the legal representative explained the ASF to him verbally, and that he has had access to accommodation software technology on his computer since 2015. Further, he did not raise this as an issue until confronted with alleged inconsistent statements made to Dr. Ford. There is no basis in the evidence before us to indicate that the Student did not have a reasonable opportunity to review the ASF due to a lack of accommodation.

75. As one last example, the Student blamed the University for his anxiety because he was “not being assessed fairly” and was “mistreated” by the professor in NEW 241 Y1 – one of the courses in which he committed misconduct. He told the Tribunal that another student received a higher participation mark than him although the Student had received a higher group presentation mark. The Student suggested that the charges in this course were a “reprisal” for challenging the TA’s comments on the paper. At a meeting with Professor Britton on May 24, 2013, the Student also suggested that the professor in the course may have changed some of his Event Reflection. No other evidence was led to support the Student’s allegations of reprisal and falsification by the University, and we consider those allegations to be unfounded.

76. The Student pointed to signing the ASF as an expression of his insight and remorse, because he stated that it showed that he was attempting to repair his relationship with the University. We agree that generally entering into an ASF and plea agreement can be important signs of insight and responsibility, and of attempting to reduce the time and expense of a full hearing. However, the ASF and plea agreement in this case were signed three years after the charges were filed, and after more than 10 interim orders and five adjournments. Moreover, as set out in these reasons, during the sanction hearing, the Student sought to qualify and distance himself from some of the statements he had made in the ASF. His conduct both before and after the signing of the ASF therefore undermines his argument that by admitting the facts underlying the offences he appreciated the gravity of his

conduct or was seeking to repair his relationship with the University.

77. The Student also pointed to the following statement in his written submission as an example of remorse: "I am not perfect. I will sometimes make mistakes by accident, but those mistakes will be more prevalent especially when I was not being accommodated for my disabilities...". This statement is not a genuine expression of remorse. To the contrary, it negates the intentional conduct that the Student admitted to by calling it an "accident". It also shifts blame for his conduct to the University's alleged failure to accommodate.

78. The Student in his oral submissions stated "And I'm clearly, obviously very sorry for the fact that these offences happened. And of course we know that the charges for any intentionality or academic advantage were dropped..." This is the only expression of apology the Student made in this hearing, and it was attached to a statement incorrectly asserting that the University withdrew allegations that he "intentionally" committed the offences.

79. The Tribunal concludes that the Student has not demonstrated any genuine insight, regret or remorse about the offences that are the subject of this proceeding.

#### **i) Relevant Cases Regarding Sanction**

80. The University relied on the Discipline Appeals Board decision in *C., H. and K.* (Case No. 596, 597, 598, November 23, 2011) which dealt with the appropriate sanction for a purchased essay. In that case, all three students pleaded guilty to plagiarism. They all admitted that they submitted a purchased essay for academic credit. They also signed an ASF that admitted that they had previously committed two prior academic offences. One of the students also admitted to a third prior offence, which was that she had previously submitted a purchased essay. The Appeals Board overturned the Tribunal's sanction of a 5 year suspension and

instead recommended expulsion.

81. In that case, the Appeals Board indicated that, as a starting point and working assumption, expulsion is the sanction that is best commensurate with the gravity of the offence of a purchased plagiarized essay. Two of the sentencing principles – detriment to the University occasioned by the offence of purchasing essays, and the need to deter others from committing a similar offence – should be paramount over all others. If expulsion is not the result in a particular case then it would be in the “rarest of alternatives that something less than a five year suspension would be imposed” . There is no rule, however, and a consideration of all the facts and the other criteria will determine whether expulsion is appropriate in the particular case:

Under what circumstance was the essay purchased and submitted. What degree of intent and deliberation was involved. What recognition that the conduct was grave and wrong can be seen in the student. Was anyone else involved. Were there influences that can legitimately influence the penalty. What were the subsequent events – did the student admit guilt or attempt to continue the fraud. Is there anything particularly egregious or saving about the case or are there other facts that may ameliorate what is otherwise conduct to be condemned. ... Has the student learned anything from the entire matter. Are there true expressions of remorse, regret and apology, although these even if accepted will rarely blunt the force of the offence itself, Are there extenuating circumstances and can these be seen to be relevant to the ultimate sanction. ... Of course, there is the issue of previous academic offences. If there is none, and an otherwise positive record, perhaps expulsion will not be the result, as it was not in *P*[.] and *H*[.]. If there are one or more, then, whatever their nature, this is a powerful indication that expulsion may well be warranted.

82. *C.*, *H.*, *K.* relied on the earlier cases of *P.* (Case No. 601, March 8, 2011) and *H.* (Case No. 602, May 6, 2011), in which the students pled guilty to submitting a purchased essay but had no prior offences. In both of these cases, the panel ordered a five year suspension. In both, the panels of the Tribunal indicated that had there been evidence of prior offences, the panel would have recommended

expulsion.

83. The University also brought to our attention the *S.K* (Case No. 732, March 11, 2014) decision, in which a student's proven longstanding anxiety and depression, her seeking of treatment after the offence, her complete cooperation with the University and her genuine remorse were all found to be relevant in determining that a lesser penalty was appropriate. However, the Tribunal also found that her medical condition neither excused nor justified her unacceptable conduct. In our view, the circumstances before us are quite different than in *S.K*. As set out above, we do not have evidence of a temporal or a causal link between the disability and the misconduct. The Student has only cooperated with the University to a limited extent. He has not shown genuine insight, responsibility or remorse. In addition, there are a number of aggravating factors in the case before us.

### **C. Decision On Sanction**

84. We have carefully reviewed the evidence, weighed the factors, and considered the approach taken in other cases. We have come to the determination that the appropriate sanction in all of the individual circumstances of this case includes a recommendation that the Student be expelled from the University.

85. In coming to this determination, we consider of paramount importance the deliberate and extremely serious nature of the multiple acts of misconduct before us including a purchased essay, the harm to the University and the need to deter others. Our determination of the appropriate sanction does not turn, however, only on the facts of the purchased essay. Even without considering the particularly egregious nature of a purchased essay, we consider expulsion to be appropriate for the eight serious offences before us.

86. We find that there are insufficient mitigating factors in this case that would make a lesser sanction appropriate for the Student. While we acknowledge that the Student has been diagnosed with mental health conditions and learning disabilities, and that

in some circumstances this could be a mitigating factor on sanction, we conclude it is not so in this case for the reasons set out above. The evidence before us has failed to establish that these disabilities had any temporal or causal link to or were a justification, explanation or excuse for the commission by the Student of the offences.

87. Given the serious impact on a student of the sanction of expulsion, we have considered whether a suspension of 5 years in lieu of expulsion would be an appropriate sanction, but have concluded that it would not. A suspension would not sufficiently address the seriousness of the offences, the need for deterrence and the harm occasioned to the University. It would continue the relationship between the Student and the University where the Student has repeatedly breached the trust inherent in that relationship, has persisted in his misconduct despite prior warnings, and has ignored the rules and processes of the University where he disagrees with them. We also consider to be important to the question of sanction that the Student has failed to demonstrate genuine insight or remorse, and continues to deflect responsibility and blame the University and others for his misconduct.

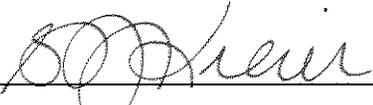
#### **D. Order**

88. We therefore Order:

- (a) That the Student is guilty of two counts of the academic offence of providing falsified evidence, contrary to Section B.I.1(a) of the Code
- (b) That the Student is guilty of six counts of the academic offence of plagiarism, contrary to section B.I.1(d) of the Code
- (c) That the following sanctions shall be imposed on the Student:

- (i) final grade of zero in each of the courses CHM 139, NEW 241, NFS 284 and UNI 209
- (ii) an order that the Student be immediately suspended from the University for up to 5 years from the date of this Decision,
- (iii) an order that the Tribunal recommend to the President of the University that he recommend to the Governing Council that the Student be expelled from the University, and
- (iv) an order that the case be reported to the Provost for publication with the Student's name withheld.

Dated at Toronto, this 11<sup>th</sup> day of April, 2017

  
\_\_\_\_\_  
Sarah Kraicer, Co-Chair

# APPENDIX A

UNIVERSITY OF TORONTO

RE: W [REDACTED] K [REDACTED]

## CHARGES

Note: Wherever in the Code of Behaviour on Academic Matters, 1995 (“Code”) an offence is described as depending on “knowing”, the offence shall likewise be deemed to have been committed if the person ought reasonably to have known.

### **A. CHM 139 – Charges and particulars**

1. On or about September 17, 2012, you knowingly falsified evidence required by the University of Toronto, namely, a Personal Statement, which you submitted to the Committee on Standing of the Faculty of Arts and Science (“Committee”) in support of a request for academic accommodation, in course CHM 139, contrary to Section B.I.1(a) of the Code.

2. On or about December 2, 2012, you knowingly falsified evidence required by the University of Toronto, namely, a Personal Statement, which you submitted in support of an appeal from the decision denying your request for academic accommodation in course CHM 139, contrary to Section B.I.1(a) of the Code.

3. In addition to or in the alternative to each of the charges above, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in order to obtain academic credit or other academic advantage of any kind by submitting false information to the University of Toronto in support of various forms of academic accommodation or relief, contrary to Section B.I.3(b) of the Code.

The particulars for these charges are as follows:

- (a) At all material times you were a student at the University of Toronto.

- (b) In September 2012, you submitted a petition seeking late withdrawal from CHM 139. In support of this petition you submitted a Personal Statement of the Committee on Standing. You knew that the Personal Statement that you submitted contained false statements.
- (c) This petition was denied and, on December 2, 2012, you appealed this decision. You provided a personal statement in support of your appeal. You knew that this statement contained false statements, including that one of your relatives had died before you wrote your exam on August 15, 2012.
- (d) You knowingly submitted all of the statements described above understanding that the University of Toronto required such statements to be presented in order to obtain the academic accommodation you sought.
- (e) You knowingly submitted all of the statements described above with the intention that the University of Toronto rely on them in considering whether or not to provide you with the academic accommodations you requested.
- (f) You knowingly submitted these falsified documents and other false information in an attempt to obtain an academic advantage.

**B. NEW 241 – Charges and particulars**

- 4. On or about December 4, 2012, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in an essay, which you submitted for academic credit in NEW 241, contrary to section B.I.1(d) of the Code.

5. On or about April 2, 2013, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in an Event Reflection, which you submitted for academic credit in NEW 241, contrary to section B.I.1(d) of the Code.

6. In the alternative, on or about December 4, 2012 and April 2, 2013, 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 essay and the Event Reflection, which you submitted for academic credit in the Course, contrary to section B.I.3(b) of the Code.

Particulars of these charges are as follows:

- (a) In Fall 2012, you registered in Introduction to Disability Studies (NEW 241), which was taught by Eliza Chandler and Anne McGuire.
- (b) On December 4, 2012, you submitted an essay titled "Claiming Disability as an Identity is Important to Disrupt Notions of Normalcy and Abnormalcy." Portions of this essay were taken verbatim or nearly verbatim from other sources. You did not properly attribute or reference these passages. You did not include the source of one of these passages in the bibliography for this essay.
- (c) You were also required to attend a disability community cultural event and to submit a short reflection on the event that drew on and engaged with one or more of the themes discussed in the class. On or about April 2, 2013, you submitted your event reflection, which was titled "Open Talk about Students" A significant part of your event reflection was taken verbatim or nearly verbatim

from an editorial written by Eliza Chandler. You did not properly reference these passages. You did not include Ms. Chandler's article in the bibliography for your event recollection.

- (d) With respect to both submissions described above, you knowingly represented the work of another as your own work. You knowingly included in each submission ideas and expressions that were not your own, but were the ideas and expressions of others, which you did not acknowledge.
- (e) For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in the assignment.

**C. NFS 284– Charges and particulars**

7. On or about February 20, 2013, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in Assignment 1, which you submitted for academic credit in NFS 284 Basic Human Nutrition, contrary to section B.I.1(d) of the *Code*.

8. On or about March 13, 2013, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in Assignment 2, which you submitted for academic credit in NFS 284, contrary to section B.I.1(d) of the *Code*.

9. On or about March 13, 2013, you knowingly obtained unauthorized assistance in connection with Assignment 2, which you submitted for academic credit in NFS 284, contrary to section B.I.1(b) of the *Code*.

10. In the alternative to each of charges 7 to 9, 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 assignments you submitted for academic credit in NFS 284, contrary to section B.I.3(b) of the *Code*.

Particulars of these charges are as follows

- (a) Students in NFS 284 were required to submit several assignments, including Assignment 1, of which was worth 19% of the final grade in the course, and Assignment 2, which was worth 18% of the final grade.
- (b) On or about February 20, 2013, you submitted Assignment 1. Portions of this essay were taken verbatim or nearly verbatim from other sources. You did not properly attribute or reference these passages. You did not include the source of some or all of these passages in the bibliography for Assignment 1.
- (c) On or about March 13, 2013, you submitted Assignment 2. You knowingly received unauthorized assistance from Muhamed Aamir Iqbal, or other persons unknown, when the assignment was written.
- (d) You purchased the document you submitted as Assignment 2 from Mr. Iqbal, or persons unknown, and submitted it without doing any meaningful academic work on it.
- (e) With respect to both submissions described above, you knowingly represented the work of another as your own work. You knowingly included ideas and expressions that were not your own, but were the ideas and expressions of others, which you did not acknowledge. For the purposes of obtaining academic

credit and/or other academic advantage, you knowingly committed plagiarism in each assignment.

**D. UNI 209 – Charges and particulars**

11. On or about November 5, 2012, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in “Assignment 2,” which you submitted for academic credit in UNI 209 Introduction to Health: Determinants of Health & Health Care, contrary to section B.I.1(d) of the *Code*.

12. On or about December 10, 2012, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in “Assignment 3,” which you submitted for academic credit in UNI 209, contrary to section B.I.1(d) of the *Code*.

13. In the alternative to each of charges 11 and 12, 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 an essay you submitted for academic credit in UNI 209, contrary to section B.I.3(b) of the *Code*.

Particulars of these charges are as follows:

- (a) Students in UNI 209 were required to submit several assignments including Assignment 2, which was worth 35% of the final grade in the course, and Assignment 3, which was worth 50% of the final grade.

- (b) On or about November 5, 2012, you submitted Assignment 2. Portions of your submission were taken verbatim or nearly verbatim from other sources. You did not properly attribute or reference these passages.
- (c) On or about December 10, 2012, you submitted Assignment 3. Portions of your submission were taken verbatim or nearly verbatim from other sources. You did not properly attribute or reference these passages at least one of, which you did not include in the bibliography for this essay.
- (d) With respect to both assignments, you knowingly represented the work of another as your own work. You knowingly included ideas and expressions that were not your own, but were the ideas and expressions of others, which you did not acknowledge. For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in each assignment.