THE UNIVERSITY TRIBUNAL THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on February 8, 2021,

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 (the "University")

- and –

Y New Comment (the "Student")

REASONS FOR DECISION

Hearing Date: June 29, 2021, via Zoom

Members of the Panel:

Mr. Bernie Fishbein, Chair Professor Julian Lowman, Faculty Panel Member Ms. Arlinda Ruco, Student Panel Member

Appearances:

Ms. Tina Lie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP The Student

Hearing Secretary:

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

1. This is the decision of a Panel of the University Tribunal in a hearing that was held by video conference on June 29, 2021. The University of Toronto (Mississauga) had preferred 14 charges of violating the *Code of Behaviour on Academic Matters*, 1995 ("the Code") against the Student". Rather than reproducing the charges in their entirety, they are attached as Appendix A to this decision. Essentially, they related to two incidents of plagiarism (and other charges in the alternative) with respect to two assignments in ENV311H5S ("Environmental Issues in the Developing World") in February and March of 2020, one incident of unauthorized assistance (and other charges in the alternative) in a test in PHL245H5S ("Modern Symbolic Logic") in March of 2020, and five charges of forgery (and other charges in the alternative) with respect to five medical certificates submitted in support of a petition the Student had submitted to lift a suspension that the University had imposed for poor academic performance.

Evidence and Findings

- 2. At the hearing, an Agreed Statement of Facts, a Joint Book of Documents, an Agreed Statement of Facts on Penalty (essentially disclosing a prior offence of unauthorized assistance by the Student in the winter of 2018 for which she had received the sanction of a zero grade in the course), and a Joint Submission on Penalty, all previously filed by the University, were made exhibits. Again, rather than repeat them in their entirety, the Agreed Statements of Fact (including the one on penalty) and the Joint Submission on Penalty are attached as Appendices to this decision. To be perfectly clear, they were agreed to by the Student who admitted all the facts, agreed to plead guilty to all charges and agreed to the penalties sought by the University.
- 3. The Student was present at the hearing and given the opportunity to speak at all salient stages of the hearing. She declined all such opportunities.
- 4. University counsel briefly reviewed the agreed upon evidence. Again, the Student declined the opportunity to comment. The Panel adjourned briefly to deliberate. In view of the Agreed Statement of Facts, the admissions of the Student including her guilty plea, the Panel unanimously concluded that the University had established the violation of the Code with respect to all eight of the violations of the Code in these circumstances. As agreed, the University then withdrew the six charges it had made in the alternative.
- 5. University counsel then briefly made submissions in support of and in accordance with the Joint Submission on Penalty. University counsel recommended the following:
 - a. a final grade of zero in the course ENV311H5S in Winter 2020;
 - b. a final grade of zero in the course PHL245H5S in Winter 2020;
 - c. immediate suspension from the University for a period of up to five years from the date of the Tribunal's order or until Governing Council makes its decision on expulsion, whichever comes first;
 - d. a corresponding notation on her academic record and transcript;

- e. a recommendation to the President of the University that he recommend to the Governing Council that the Student be expelled from the University; and
- f. that this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University of Toronto newspapers, with the name of the Student withheld.
- 6. First, University counsel noted the high threshold established in the jurisprudence to depart from a joint submission on penalty—although it was possible, it ought not to be done unless the joint submission was "truly unreasonable or unconscionable", which was not the case here. See *University of Toronto and S.F.* (Case No.: 690, October 20, 2014) at paras. 16, 18, 20 and 22; and *University of Toronto and M.A.* (Case No.: 837, December 22, 2016).
- 7. Counsel reviewed the traditional factors established in the jurisprudence to be considered in determining sanction. The University conceded with respect to character of the accused, the Student had admitted her guilt at the first opportunity and cooperated throughout the University's discipline process (once it had been engaged) by pleading guilty, thereby accepting some responsibility for and "ownership" of her conduct. But that was more than outweighed by the other factors when they were properly weighed and considered. There was more than a legitimate concern about the likelihood of repetition of the improper conduct. Not only had there been the prior offence of unauthorized assistance for which the Student had received sanction, but the eight offences had repeated themselves in a very short period of several months. They were not interrupted, nor was the Student deterred or dissuaded even when spoken to at a meeting with her instructor in the midst of this pattern. The Student has asserted no mitigating circumstances, nor were any identified.
- 8. The remaining factors of the nature of the offences, the detriment to the University and general deterrence all weighed very heavily in favour of accepting and implementing the Joint Submission on Penalty. Both plagiarism and the unauthorized assistance, as frequently stated in the jurisprudence, are very serious offences that undermine the teaching and learning experience at the core of the University and warrant strong messages of general deterrence. The plagiarism in the first assignment in ENV311H5S was particularly egregious with 77% of the assignment taken from other sources, sometimes paragraphs in length. The use of unauthorized assistance in PHL245H5S occurred during a test that had to be administered online due to the pandemic, where there could not be the normal proctoring and the level of trust required was extremely high.
- 9. Similarly, forgery has repeatedly been found in the jurisprudence to be among the most serious offences. See for example *University of Toronto and Y.K.* (Case No.: 855, March 10, 2017) at para. 39. Moreover, the forgeries were of medical certificates—which gravely impairs the University's processes to accommodate disabilities since obviously the individual circumstances of every medical certificate cannot be routinely always corroborated. See for example *University of Toronto and Y.X.G.* (Case No.: Case No.: 740, February 10, 2014) at para. 19. The offence is aggravated, or made worse, by the fact

- the medical certificates were purchased, which again has been commented on in the jurisprudence. See for example *University of Toronto and Y.Z.* (Case No.: 628, May 23, 2012) at paras. 41-44.
- 10. Lastly, counsel reviewed a large number of previous Tribunal decisions, comparing the facts in those decisions to the facts here, to demonstrate that the sanctions sought in the Joint Submission on Penalty were well within the reasonable range.
- 11. Again, the Student was given an opportunity to comment. She declined.

Penalty

- 12. The Panel deliberated and was unanimously of the view that the arguments of University counsel were persuasive, compelling and applicable here. In other words, particularly on the agreed facts, admissions and guilty plea here, the Joint Submission on Penalty should be adopted. Accordingly, the Panel directs the following sanctions:
 - a. a final grade of zero in the course ENV311H5S in Winter 2020;
 - b. a final grade of zero in the course PHL245H5S in Winter 2020;
 - c. immediate suspension from the University for a period of up to five years from the date of the Tribunal's order or until Governing Council makes its decision on expulsion, whichever comes first;
 - d. a corresponding notation on her academic record and transcript;
 - e. a recommendation from the Tribunal to the President of the University that he recommend to the Governing Council that the Student be expelled from the University; and
 - f. that this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University of Toronto newspapers, with the name of the Student withheld.

Dated at Toronto, this 24th day of August, 2021

Bernard Fishbein

On behalf of the Panel

APPENDIX 1



OFFICE OF THE VICE PROVOST, FACULTY & ACADEMIC LIFE

Via email

CONFIDENTIAL

February 8, 2021





On the advice of the University Discipline Counsel, I am writing to inform you that you are hereby charged with the offences as detailed in the attached document.

By copy of this letter I have informed Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances, of the Academic Tribunal, who will be in touch with you regarding the Tribunal's proceedings.

We recognize that receiving this information may be stressful, and therefore encourage you to meet with an academic advisor or registrar to support you in navigating the academic integrity process. If you feel that your well-being is impacted by this process, please consider making an appointment with a counsellor within your division or college, or with your campus health centre. For immediate support, My SSP provides 24-hour mental health support through chat, telephone in multiple languages online, or by phone in multiple languages. You can access My SSP from any location in the world, 24 hours a day, by calling 1-844-451-9700, or, outside of North America, call 001-416-380-6578. Or you may call Good2Talk 24 hours a day, 7 days a week at 1-866-925-5454.

Yours sincerely,



Professor Heather Boon
Vice-Provost, Faculty & Academic Life

HB/jc Encl.

cc: Christopher Lang Michael Lettieri Tina Lie

McMurrich Building, 12 Queen's Park Crescent West, Room 103, Toronto, ON, M5S 2S8 Canada Fax: +1 416 971-1380 • vp.fal@utoronto.ca

UNIVERSITY OF TORONTO MISSISSAUGA

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.

ENV311 Charges

- 1. On or about February 24, 2020, 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 ENV311H5S ("ENV311"), contrary to section B.I.1(d) of the *Code*.
- 2. In the alternative to Charge #1, on or about February 24, 2020, you knowingly obtained unauthorized assistance in connection with Assignment #1, which you submitted for academic credit in ENV311, contrary to section B.I.1(b) of the *Code*.
- 3. In the further alternative to Charges #1 and #2, on or about February 24, 2020, 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 Assignment #1, which you submitted for academic credit in ENV311, contrary to section B.I.3(b) of the *Code*.
- 4. On or about March 31, 2020, 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 ENV311, contrary to section B.I.1(d) of the *Code*.
- 5. In the alternative to Charge #4, on or about March 31, 2020, you knowingly obtained unauthorized assistance in connection with Assignment #2, which you submitted for academic credit in ENV311, contrary to section B.I.1(b) of the *Code*.

6. In the further alternative to Charges #4 and #5, on or about March 31, 2020, 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 Assignment #2, which you submitted for academic credit in ENV311, contrary to section B.I.3(b) of the *Code*.

PHL245 Charges

- 7. On or about March 25, 2020, you knowingly used or possessed an unauthorized aid or obtained unauthorized assistance in connection with Test 4 in PHL245H5S ("PHL245"), contrary to section B.I.1(b) of the *Code*.
- 8. In the alternative to Charge #7, on or about March 25, 2020, 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 Test 4 in PHL245, contrary to section B.I.3(b) of the *Code*.

Petition Charges

- 9. On or about May 12, 2020, you knowingly forged or in any other way altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of such forged, altered or falsified document, namely, a Medical Certificate from Trillium Health Partners, Mississauga Hospital, dated March 16, 2019, which you submitted in support of petition #73097 to lift a three-year academic suspension, contrary to section B.I.1(a) of the *Code*.
- 10. On or about May 12, 2020, you knowingly forged or in any other way altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of such forged, altered or falsified document, namely, a Medical Certificate from Trillium Health Partners, Mississauga Hospital, dated March 23, 2019, which you submitted in support of petition #73097 to lift a three-year academic suspension, contrary to section B.I.1(a) of the *Code*.
- 11. On or about May 12, 2020, you knowingly forged or in any other way altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of such forged,

altered or falsified document, namely, a Medical Certificate from Trillium Health Partners, Mississauga Hospital, dated April 6, 2019, which you submitted in support of petition #73097 to lift a three-year academic suspension, contrary to section B.I.1(a) of the *Code*.

- 12. On or about May 12, 2020, you knowingly forged or in any other way altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of such forged, altered or falsified document, namely, a Medical Certificate from Trillium Health Partners, Mississauga Hospital, dated November 1, 2019, which you submitted in support of petition #73097 to lift a three-year academic suspension, contrary to section B.I.1(a) of the *Code*.
- 13. On or about May 12, 2020, you knowingly forged or in any other way altered or falsified a document or evidence required by the University of Toronto, or uttered, circulated or made use of such forged, altered or falsified document, namely, a Medical Certificate from Trillium Health Partners, Mississauga Hospital, dated February 11, 2020, which you submitted in support of petition #73097 to lift a three-year academic suspension, contrary to section B.I.1(a) of the *Code*.
- 14. In the alternative to each of Charges #9 to #13, 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 petition #73097, which you submitted to lift a three-year academic suspension, contrary to section B.I.3(b) of the *Code*.

The particulars related to the charges are as follows:

1. At all material times, you were a registered student at the University of Toronto Mississauga.

Particulars of ENV311 Charges

2. In Winter 2020, you enrolled in ENV311 (Environmental Issues in the Developing World), which was taught by Professor Barbara Murck.

Assignment #1

- 3. On February 24, 2020, you submitted Assignment #1 (a country status report), entitled "Sustainable development in Sri Lanka 2020" ("Assignment #1") in ENV311, which was worth 25% of your final grade in the course.
- You submitted Assignment #1:
 - (a) to obtain academic credit;
 - (b) knowing that it contained ideas, expressions of ideas or work which were not your own, but were the ideas, expressions of ideas or work of others, including but not limited to:
 - "Sri Lanka" on the Britannica website (available at https://www.britannica.com/place/Sri-Lanka);
 - (ii) The publisher description for "Sri Lanka: Travel Information and Environmental Study", by Jesse Russell (available at https://books.apple.com/ca/book/sri-lanka-travel-information-and-environmental-study/id1503252909?ign-gact=1);
 - (iii) "Sri Lanka" on the Wikipedia website (available at https://en.wikipedia.org/wiki/Sri Lanka);
 - (iv) "Flag of Sri Lanka" on The Nations Online Project website (available at https://www.nationsonline.org/flags-big/Sri-Lanka-Flag.html);
 - (v) "Sri Lanka at a Glance" on the Sri Lanka Tourism website (available at https://www.srilanka.travel/srilanka-at-a-glance);
 - (vi) "Sri Lanka" on the UN Sustainable Development Goals Knowledge Platform website (available at https://sustainabledevelopment.un.org/index.php?page=view&type=30022&nr=998 &menu=3170);
 - (vii) "Cultural Life" on the Britannica website (available at https://www.britannica.com/place/Sri-Lanka/Cultural-life);

- (viii) "Millennium Development Goals Country Report 2008/09", prepared by the Institute of Policy Studies of Sri Lanka (available at https://www.undp.org/content/dam/undp/library/MDG/english/MDG%20Country%20Reports/Sri%20Lanka/MDGR%202008%202009.pdf);
- "Sri Lanka achieves most Millennium Development Goals targets well ahead of schedule - MDG Country report" (available at https://news.lk/news/business/item/6776-sri-lanka-achieves-most-millennium-development-goals-targets-well-ahead-of-schedule-mdg-country-report?tmpl=component&print=1)
- (x) 'What are the Sustainable Development Goals" on the UNDP website (available at https://www.undp.org/content/undp/en/home/sustainable-development-goals.html);
- (xi) "Status of Sustainable Development Goals Indicators in Sri Lanka: 2017", prepared by the Department of Census and Statistics, Ministry of National Policies and Economic Affairs, Sri Lanka (available at http://www.statistics.gov.lk/sdg/application/publications/book.pdf);
- (xii) "Goal 3: Good health and well-being" on the UNDP website (available at https://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-3-good-health-and-well-being.html); and
- (xiii) "Achieving Inclusive Health in Sri Lanka through SDGs", by Samanthi Bandara (available at https://www.ips.lk/talkingeconomics/2016/12/08/achieving-inclusive-health-in-sri-lanka-through-sdgs/#)

(collectively the "Assignment 1 Sources"); and

(c) knowing that you did not properly reference the ideas, expressions of ideas or work that you drew from the Assignment #1 Sources.

- 5. By failing to properly reference the ideas, expressions of ideas or work that you drew from the Assignment #1 Sources, you knowingly obtained unauthorized assistance from the Assignment #1 Sources.
- 6. You knowingly submitted Assignment #1 with the intention that the University of Toronto Mississauga rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.
- 7. For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in Assignment #1.

Assignment #2

- 8. On March 31, 2020, you submitted Assignment #2 (a policy brief), entitled "Empowerment of Poor Farmers in Sri Lanka" ("Assignment #2") in ENV311, which was worth 25% of your final grade in the course.
- You submitted Assignment #2:
 - (a) to obtain academic credit;
 - (b) knowing that it contained ideas, expressions of ideas or work which were not your own, but were the ideas, expressions of ideas or work of others, including but not limited to:
 - "Sri Lanka E-agriculture Strategy June 2016" (available at https://www.doa.gov.lk/ICC/images/publication/Sri Lanka e agri strategy June2016.pdf); and
 - (ii) "Poverty Data: Sri Lanka" on the Asian Development Bank website (available at https://www.adb.org/countries/sri-lanka/poverty);

(collectively, the "Assignment #2 Sources"); and

(c) knowing that you did not properly reference the ideas, expressions of ideas or work that you drew from the Assignment #2 Sources.

- 10. By failing to properly reference the ideas, expressions of ideas or work that you drew from the Assignment #2 Sources, you knowingly obtained unauthorized assistance from the Assignment #2 Sources.
- 11. You knowingly submitted Assignment #2 with the intention that the University of Toronto Mississauga rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.
- 12. For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in Assignment #2.

Particulars of PHL245 Charges

- 13. In Winter 2020, you were enrolled in PHL245 (Modern Symbolic Logic), which was taught by Professor Alexander Koo.
- 14. On March 25, 2020, you wrote Test 4 in PHL245, which was worth 20% of your final grade. Due to the covid19 pandemic, Test 4 was administered online in an unsupervised setting.
- 15. You knew that you were not permitted to collaborate with other students during the test.
- 16. You knowingly participated in an on-line group chat and knowingly obtained unauthorized assistance from this group chat during the test.
- 17. By participating in the group chat, you knowingly engaged in a form of cheating, academic dishonesty or misconduct in order to obtain an academic advantage.

Particulars of Petition Charges

- 18. At the end of the Winter 2020 term, you were suspended for three years due to your academic performance.
- 19. On May 12, 2020, you submitted petition #73097 to request that the suspension be lifted.

- 20. In support of your petition, you submitted 5 medical certificates, each purportedly signed by Dr. Mahgul Malik, a member of the College of Physicians and Surgeons of Ontario with registration number 111927, of Trillium Health Partners, Mississauga Hospital, dated March 16, 2019, March 23, 2019, April 6, 2019, November 1, 2019 and February 11, 2020 (collectively, the "Medical Certificates").
- 21. The Medical Certificates were forged, altered or falsified. Dr. Malik did not treat you, fill out, or sign the Medical Certificates.
- 22. You knew that the Medical Certificates that you submitted were forged, altered or contained false information when you submitted them.
- 23. You knowingly submitted the Medical Certificates:
 - (a) understanding that the University of Toronto Mississauga required evidence to be presented in order to obtain the academic accommodation or relief you sought;
 - (b) with the intention that the University of Toronto Mississauga rely on them in considering whether or not to provide you with the academic accommodations or relief you requested; and
 - (c) in an attempt to obtain an academic advantage.

APPENDIX 2

THE UNIVERSITY TRIBUNAL THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on February 8, 2021,

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 -



AGREED STATEMENT OF FACTS

- 1. For the purposes of this hearing under the *Code of Behaviour on Academic Matters* ("*Code*"), the Provost of the University of Toronto (the "Provost") and Y \(\bigcap \) \(\bigca
 - (a) each document contained in the JBD may be admitted into evidence before the Tribunal for all purposes, including for the truth of the document's contents, without further need to prove the document; and
 - (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

The Charges and Guilty Plea

- 2. This hearing arises out of charges of academic misconduct filed by the Provost on February 8, 2021. A copy of the charges is included in the JBD at **Tab 1**.
- 3. The Student acknowledges that she received a copy of the charges, waives the reading of the charges, and pleads guilty to all charges.

- 4. The Provost agrees that if the Tribunal makes a finding of academic misconduct with respect to charges #1, #4, #7, #9, #10, #11, #12 and #13, the Provost will withdraw charges #2, #3, #5, #6, #8 and #14.
- 5. The Notice of Electronic Hearing in this matter is included in the JBD at **Tab 2**. The Student acknowledges that she received the Notice of Electronic Hearing and has been given reasonable notice of this hearing.

The Student's Academic History

- 6. The Student first registered as a student at the University of Toronto Mississauga ("UTM") in Fall 2016. At all material times, she remained a student at the University. A copy of the Student's academic record as of May 18, 2021, is included in the JBD at **Tab 3**.
- 7. The Student has earned 8.5 credits and has a cumulative GPA of 1.14. At the end of the Winter 2020 term, the Student was suspended for 3 years due to her low GPA.

ENV311H5S: Environmental Issues in the Developing World

- 8. In Winter 2020, the Student enrolled in ENV311H5S: Environmental Issues in the Developing World, which was taught by Professor Barbara Murck ("ENV311"). A copy of the course syllabus for ENV311, which the Student admits she received (and which was updated after the course moved online in March 2020), is included in the JBD at **Tab 4**.
- 9. The ENV311 syllabus included the following on academic integrity on page 4:

Academic Integrity and Honesty

It is your responsibility as a student at the University of Toronto to familiarize yourself with, and adhere to, both the Code of Student Conduct and the Code of Behaviour on Academic Matters. This means, first and foremost, that you should read them carefully.

 The <u>Code of Student Conduct</u> is available from the UTM website (Registrar > Academic Calendar > Codes and Policies) or in your print version of the Academic Calendar. The <u>Code of Behaviour on Academic Matters</u> is available from the UTM website (Registrar > Academic Calendar > Codes and Policies) or in your print version of the Academic Calendar.

Another helpful document that you should read is <u>How Not to Plagiarize</u>, by M. Proctor.

Further Thoughts on Academic Honesty:

The Code of Behaviour on Academic Matters states that:

"The University and its members have a responsibility to ensure that a climate that might encourage, or conditions that might enable, cheating, misrepresentation, or seeking to disadvantage others by disruptive behaviour is unacceptable, as is any dishonesty or unfairness in dealing with the work or record of a student." — *University of Toronto Mississauga Academic Calendar*

This summarizes what we are <u>all</u> trying to achieve through the implementation of this Code – both students and faculty. We are trying – together – to create an atmosphere of fairness and honesty, in which people can learn and receive appropriate credit for work that they have done.

10. The academic requirements for ENV311 included two assignments, a country status report ("Assignment #1") and a policy brief ("Assignment #2"), each worth 25% of students' final grades. The instructions for both Assignment #1 and Assignment #2 required students to cite all sources that they used. Copies of the instructions for Assignment #1 and Assignment #2 are included in the JBD at **Tabs 5 and 6**, respectively.

Assignment #1

- 11. On February 24, 2020, the Student submitted Assignment #1 in ENV311, entitled "Sustainable development in Sri Lanka 2020", a copy of which is included in the JBD at **Tab 7**. She did so in partial completion of the requirements of ENV311 and for the purpose of receiving academic credit.
- 12. The Student submitted her assignment via Turnitin, which is an online database used by the University for the purposes of detecting plagiarism. The Turnitin originality report indicated that the Student's Assignment #1 was a 77% match to other sources contained in the Turnitin database. A copy of the Turnitin originality report for the Student's Assignment #1 is included in the JBD at **Tab 8**.

- 13. On review, Professor Murck determined that numerous passages in the Student's Assignment #1 appeared to have been taken verbatim or nearly verbatim from the following online sources:
 - (a) "Sri Lanka" from the Britannica website (https://www.britannica.com/place/Sri-Lanka), a copy of which is included in the JBD at **Tab 9A**.
 - (b) The publisher description for "Sri Lanka: Travel Information and Environmental Study" by Jesse Russel (https://books.apple.com/ca/book/sri-lanka-travel-information-and-environmental-study/id1503252909?ign-gact=1), a copy of which is included in the JBD at **Tab 9B**.
 - (c) "Sri Lanka" from the Wikipedia website (https://en.wikipedia.org/wiki/Sri_Lanka), an excerpt of which is included in the JBD at **Tab 9C**.
 - (d) "Flag of Sri Lanka" from The Nations Online Project website (https://www.nationsonline.org/flags_big/Sri_Lanka_Flag.html), a copy of which is included in the JBD at **Tab 9D**.
 - (e) "Sri Lanka at a Glance" from the Sri Lanka Tourism website (https://www.srilanka.travel/srilanka-at-a-glance), an excerpt of which is included in the JBD at **Tab 9E**.
 - (f) "Sri Lanka" from the UN Sustainable Development Goals Knowledge Platform website (https://sustainabledevelopment.un.org/index.php?page=view&type=3002 2&nr=998&menu=3170), a copy of which is included in the JBD at **Tab 9F**.
 - (g) "Cultural Life" from the Britannica website (https://www.britannica.com/place/Sri-Lanka/Cultural-life), a copy of which is included in the JBD at **Tab 9G**.

- (h) "Millennium Development Goals Country Report 2008/09" by the Institute of Policy Studies of Sri Lanka (https://www.undp.org/content/dam/undp/library/MDG/english/MDG%20Co untry%20Reports/Sri%20Lanka/MDGR%202008%202009.pdf), an excerpt of which is included in the JBD at **Tab 9H**.
- (i) "Sri Lanka achieves most Millennium Development Goals targets well ahead of schedule MDG Country report" (https://news.lk/news/business/item/6776-sri-lanka-achieves-most-millennium-development-goals-targets-well-ahead-of-schedule-mdg-country-report?tmpl=component&print=1), a copy of which is included in the JBD at Tab 9I.
- (j) "What are the Sustainable Development Goals" from the UNDP website (<u>https://www.undp.org/content/undp/en/home/sustainable-development-goals.html</u>), a copy of which is included in the JBD at **Tab 9J**.
- (k) "Status of Sustainable Development Goals Indicators in Sri Lanka: 2017" by the Department of Census and Statistics, Ministry of National Policies and Economic Affairs, Sri Lanka (http://www.statistics.gov.lk/sdg/application/publications/book.pdf), an excerpt of which is included in the JBD at **Tab 9K**.
- (I) "Goal 3: Good health and well-being" from the UNDP website (https://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-3-good-health-and-well-being.html), a copy of which is included in the JBD at **Tab 9L**.
- (m) "Achieving Inclusive Health in Sri Lanka through SDGs" by Samanthi Bandara (https://www.ips.lk/talkingeconomics/2016/12/08/achieving-inclusive-health-in-sri-lanka-through-sdgs/#), a copy of which is included in the JBD at **Tab 9M**.

(collectively, the "Assignment #1 Sources").

- 14. The copy of Assignment #1 at Tab 7 of the JBD includes highlighting and letter codes to indicate the text that was taken verbatim and near verbatim from the Assignment #1 Sources and to enable a comparison. The highlighting in Assignment #1 at Tab 7 of the JBD corresponds to the highlighting contained in the Assignment #1 Sources at Tabs 9A to 9M of the JBD.
- 15. The Assignment #1 Sources at Tabs 9A to 9K of the JBD were not cited in Assignment #1. The Assignment #1 Sources at Tabs 9L and 9M of the JBD were cited in Assignment #1 but the verbatim text was not placed in quotation marks. In addition, on page 7 of Assignment #1, the Student included an in-text citation to "Bandara, 2016" (Tab 9M of the JBD), but the text that precedes the citation is in fact from the webpage "Goal 3: Good health and well-being" from the UNDP website at Tab 9L of the JBD.
- 16. On March 9, 2020, the Student met with Professor Murck to discuss her Assignment #1.

Assignment #2

- 17. On March 31, 2020, the Student submitted her Assignment #2 in ENV311, entitled "Empowerment of poor Farmers in Sri Lanka", a copy of which is included in the JBD at **Tab 10**. She did so in partial completion of the requirements of ENV311 and for the purpose of receiving academic credit.
- 18. The Student submitted her Assignment #2 via Turnitin. The Turnitin originality report indicated that Assignment #2 was a 43% match to other sources contained in the Turnitin database. A copy of the Turnitin originality report for Assignment #2 is included in the JBD at **Tab 11**.
- 19. Professor Murck reviewed the Student's Assignment #2 and determined that it contained verbatim and near verbatim matches of text to the following sources:
 - (a) "Sri Lanka E-agriculture Strategy June 2016" from the Sri Lankan

 Department of Agriculture website

(https://www.doa.gov.lk/ICC/images/publication/Sri Lanka e agri strateg y -June2016.pdf), an excerpt of which is included in the JBD at **Tab 12A**.

(b) "Poverty Data: Sri Lanka" from the Asian Development Bank website (<u>https://www.adb.org/countries/sri-lanka/poverty</u>), a copy of which is included in the JBD at **Tab 12B**.

(collectively, the "Assignment #2 Sources").

- 20. The copy of Assignment #2 at Tab 10 of the JBD includes highlighting and letter codes to indicate the text that was taken verbatim and near verbatim from the Assignment #2 Sources and to enable a comparison. The highlighting in Assignment #2 at Tab 10 corresponds to the highlighting contained in the Assignment #2 Sources at Tabs 12A and 12B of the JBD.
- 21. The Student did not include citations to the Assignment #2 Sources in Assignment #2 or quotation marks to indicate that they were not her original words.
- 22. On April 9, 2020, Professor Murck sent the Student an email about the concerns raised in the Assignment #2.
- 23. On April 14, 2020, the Department of Geography referred the allegations of academic misconduct in ENV311 to the UTM Office of the Dean.

PHL245H5S: Modern Symbolic Logic

- 24. In Winter 2020, the Student enrolled in PHL245H5S: Modern Symbolic Logic, which was taught by Professor Alexander Koo ("PHL245"). A copy of the course syllabus for PHL245, which the Student admits that she received, is included in the JBD at **Tab 13**.
- 25. The PHL245 syllabus stated, in part, as follows at pages 4-5:

Academic Integrity

The University of Toronto treats cases of academic misconduct very seriously. Academic integrity is a fundamental value of learning and scholarship at the UofT. Participating honestly, respectfully, responsibly, and fairly in this academic community ensures that your UofT degree is valued and respected as a true signifier of your individual academic achievement.

The University of Toronto's Code of Behaviour on Academic Matters outlines the behaviours that constitute academic misconduct, the processes for addressing academic offences, and the penalties that may be imposed. You are expected to be familiar with the contents of this document. Potential offences include, but are not limited to:

- On tests and exams, Using or possessing any unauthorized aid, including a cell
 phone. Looking at someone else's answers. Letting someone else look at your
 answers. Misrepresenting your identity. Submitting an altered test for re-grading.
- Misrepresentation: Falsifying or altering any documentation required by the University, including (but not limited to) doctor's notes. Falsifying institutional documents or grades.

See http://www.utm.utoronto.ca/academic-integrity/office-dean-academic-integrity for more information.

- 26. Students in PHL245 were required to write five tests. A student's best four tests were each worth 20% each of their final grade, while their lowest test was worth 10%.
- 27. The fourth test in the Course took place on March 25, 2020 ("Test 4"). Due to the COVID-19 pandemic and closure of the University, Test 4 was administered online, using Quercus, which is the online teaching and learning system used at the University. A copy of Test 4 submitted by the Student is included in the JBD at **Tab 14**.
- 28. Question 1 of Test 4 required students to affirm the following:

Please affirm the following commitment. If you do not agree with this statement, you are acknowledging that your test may not be graded.

"In submitting this test, I confirm that my conduct during this test adheres to the Code of Behaviour on Academic Matters. I confirm that I did NOT act in such a way that would constitute cheating, misrepresentation, or unfairness, including but not limited to, using unauthorized aids and assistance, impersonating another person, and committing plagiarism."

29. The Student selected "agree" in response to Question 1.

- 30. Test 4 consisted of 9 substantive questions that required students to write logic equations using the variants provided in the question. Each question had two versions, using different variants. Students were not informed that different variants were used in the test. A copy of the answer key for Test 4, which includes the different variants used for each question, is included in the JBD at **Tab 15**.
- 31. When grading the Student's Test 4, Professor Koo observed that her answers to Questions 2 and 6 did not correspond with the versions of the questions she had been given and instead corresponded with the other versions of those questions. In particular:
 - (a) Question 2 on the version of the test that the Student received included the variants A, a, F and f (the question the student received was as follows: "A¹: {1} is an analytic philosopher. F²: {1} is greater than {2}. a⁰: Willard. f⁰: Waverly. a¹: The author of {1}."). However, in her answer, the Student included the variants b and G, which were not contained in her test, but were the variants used in the alternate version of the question (the alternate version of the question was as follows: "A¹: {1} is an analytic philosopher. G²: {1} is greater than {2}. a⁰: Willard. b⁰: Waverly. a¹: The author of {1}.").
 - (b) Question 6 on the version of the test that the Student received included the variants C, D and A (the question the student received was as follows: "C¹: {1} is a cat. D¹: {1} is a dog. A²: {1} chases {2}.") However, in her answer, the Student included the variant F, which was not contained in her test, but was the variant used in the alternate version of the question (the alternate version of the question was as follows: "A¹: {1} is a cat. D¹: {1} is a dog. F²: {1} chases {2}.")
- 32. As a result, Professor Koo suspected that the Student had obtained questions and/or answers from another student in the class with the other versions of those questions.

- 33. Professor Koo sent the Student an email about the concern raised in Test 4.
- 34. On April 22, 2020, the Department of Philosophy referred the allegation of academic misconduct in PHL245 to the UTM Office of the Dean.

Petition for lift of suspension

- 35. At the end of the Winter 2020 term, the Student was suspended from the University for three years due to her low GPA.
- 36. On May 12, 2020, the Student submitted a petition to lift her suspension. A copy of her petition is included in the JBD at **Tab 16**. Her petition included the following reason:

Hello, Dear member of petition department. I had received an letter recently informing of my suspension from UT and I spoke with one of the academic adviser and I am writing this letter to explaining myself as there were certain personal problems which proved to be a hurdle for me and led to these academic difficulties. I truly appreciate and value this opportunity to explain what happened. Past few years was not easy for me, my parents were going through a difficult time together as well, every time when I come home, there are endless yelling, arguing and quarrel. It is not a place that I would like to call home, rather it is somewhere that I want to stay as far as I can. Whenever my friends who are international students talk about how much they miss their parents and how jealous of me that I get to see mine and spend holiday with them. I felt painful to hear it and embarrassed to talk about my family issue with anyone. I constantly living in the feat that my family will no longer be together, and it made it hard for me to concentrate in school. At the same time, my grandfather was very sick and did cardiac bypass surgery. Before coming to Canada, I live with my grandparents most of the time since my parents were very busy with work. I was really worried about him, yet I had to pretend everything was fine on my side, I was diagnosed with depression and anxiety in the same year and these led to my grade being affected badly. In my worst days, I could not sleep for three continuous days, I felt like crying but there were no more tears coming out. I was only weighted 115 lbs for a height of 5,9. I felt hopeless and I have no one to talk to, I felt like living in hell.

At first, I was doing well in the CHI410 'Modern Chinese Literature' course, in the essay and presentation however I had to defer the exam due to physical problem, however professor had taken down all course material from Quercus a soon as course finished. I kindly asked her if there was any way I could have access to the course material, and she asked me to request from my classmates. They did not have any material as well as there was no textbook, it is all on Quercus, and 90% literature cannot be found online because they are prohibited in China and I could only review by relying on my notes. I was getting 80% before the examination, I believe that I can bring positive change towards my academic progress if given the chance and these are some steps that I will take to achieve. First, I will use the second attempt policy to retake CHI410H5 'Modern Chinese Literature' and GGR276H5 'Spatial Data Science 1' in which I am confident about getting at least 2.3 in both courses. Second, I would also take 4 courses in the first

semester to start with to ensure that I can give ample time and focus to each one of them. U of T is always my dream school and graduating from here meant so much to me, I will never forget all the nights that I spent in the library studying, and how I expected to see deer on the way home as deer represents fortune and peace in my culture. I am now physically and mentally ready for school. I understand that life is full of ups and downs and I might face with even worse challenges and obstacles in the future, however, whatever doesn't kill me will only make me stronger. My parents are now separated, and the surgery that my grandfather did was successful. I finally learned that some time it is important to just "let it go" and believe everything is the best arrangement, I wish them well and healthy. Thank you again for giving me the chance to explain, I appreciate the extra time consumed on me. It is a pleasure if I can continue to study at this beautiful school, I will not take anything for granted. Thank you very much for your time, please let me know if you would like to see in person.

- 37. In support her petition, the Student submitted five medical certificates ("Medical Certificates"), which were purportedly completed and signed by Dr. Mahgul Malik at Trillium Health Partners Mississauga Hospital. The Medical Certificates were dated March 16, 2019, March 23, 2019, April 6, 2019, November 1, 2019, and February 11, 2020. Copies of which are included in the JBD at **Tabs 16A to 16E**.
- 38. On June 24, 2020, Kitty Lo, Assistant Registrar, Academic Standards and Petitions, received confirmation from Dr. Malik that the handwriting on the Medical Certificates did not belong to her. Dr. Malik also advised that she had been on maternity leave since September 2019 and was no longer employed at Trillium Health Partners Mississauga Hospital. A copy of the email chain between Ms. Lo and Dr. Malik dated June 24, 2020 is included in the JBD at **Tab 17**.
- 39. On July 21, 2020, the Student met with Ms. Lo to discuss the allegedly forged documents.
- 40. The matter was subsequently forwarded to the UTM Office of the Dean.

Dean's meeting and admissions for the purposes of this Tribunal hearing

41. On November 2, 2020, the Student met with Professor Catherine Seguin, Dean's Designate for Academic Integrity at UTM. The Student acknowledges that Professor Seguin provided her with the Dean's warning contained in the *Code*.

- 42. During the meeting, the Student admitted that she had:
 - (a) plagiarized Assignment #1 and Assignment #2 in ENV311;
 - (b) obtained unauthorized assistance during the PHL245 Test 4 by participating in an online discussion with other students; and
 - (c) submitted five forged medical certificates in support of her petition to lift her academic suspension. The Student explained that she had purchased the Medical Certificates online for approximately \$300 per note.

Admissions

- 43. With respect to the Assignment #1 in ENV311, the Student admits that she knowingly:
 - (a) included verbatim or nearly verbatim passages from the Assignment #1 Sources;
 - (b) failed to attribute those verbatim or nearly verbatim passages appropriately, including through the use of citations, quotation marks or other appropriate means;
 - (c) represented the ideas, expression of ideas or work of another as her own;
 - (d) committed plagiarism, contrary to section B.I.1(d) of the Code; and
 - (e) obtained unauthorized assistance, contrary to section B.I.1(b) of the *Code*.
- 44. With respect to Assignment #2 in ENV311, the Student admits that she knowingly:
 - (a) included verbatim or nearly verbatim passages from the Assignment #2 Sources:

- (b) failed to attribute those verbatim or nearly verbatim passages appropriately, including through the use of citations, quotation marks or other appropriate means;
- (c) represented the ideas, expression of ideas or work of another as her own;
- (d) committed plagiarism, contrary to section B.I.1(d) of the *Code*; and
- (e) obtained unauthorized assistance, contrary to section B.I.1(b) of the *Code*.
- 45. With respect to Test 4 in PHL245, the Student admits that she knowingly obtained unauthorized assistance from other students in PHL245, contrary to section B.I.1(b) of the *Code*.
- 46. With respect to each of the five Medical Certificates she submitted in support of her petition to lift her suspension, the Student admits that she knowingly forged or in any other way altered or falsified a document or evidence required by the University, or uttered, circulated or made use of such forged, altered, or falsified document, contrary to section B.I.1(a) of the *Code*.

47. The Student acknowledges that:

- (a) the Provost has advised the Student of her right to obtain legal counsel; and
- (b) she is signing this ASF freely and voluntarily, knowing of the potential consequences she faces.



Date:May 27, 2021	Line
	Tina Lie
	Assistant Discipline Counsel
	University of Toronto

APPENDIX 3

THE UNIVERSITY TRIBUNAL THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on February 8, 2021,

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 -



AGREED STATEMENT OF FACTS ON PENALTY

- 1. This hearing arises out of charges of academic misconduct filed by the Provost of the University of Toronto (the "Provost") under the *Code of Behaviour on Academic Matters* ("*Code*"). For the purpose of the sanction phase of the hearing, the Provost and Y N C (the "Student") have prepared this Agreed Statement of Facts on Penalty ("ASF on Penalty"). The Provost and the Student agree that:
 - (a) each document attached to the ASF on Penalty may be admitted into evidence at the Tribunal for all purposes, including for the truth of the document's contents, without further need to prove the document; and
 - (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

Prior offence

2. The Student has one prior academic offence that was resolved at the departmental level.

- 3. In Winter 2018, the Student enrolled in LIN101H5 (Introduction to General Linguistics: The Sounds of Language) ("LIN101").
- 4. On January 30, 2018, the Student submitted her answers to a quiz, which was worth 4% of her final grade in LIN101. There were different versions of the quiz given to different tutorial sections. The Student's submission contained answers from a different version of the quiz.
- 5. On March 12, 2018, the Student admitted to the instructor that she had obtained unauthorized assistance on the quiz. A copy of the admission form that she signed is attached at **Tab 1**.
- 6. On March 15, 2018, Belinda Grayburn, the CTEP Academic Advisor at the University of Toronto Mississauga sent the Student a sanction letter from the Chair of Language Studies. The Chair imposed a sanction of a mark of zero on the assignment in question. The sanction letter also stated the following:

Since this incident is considered your first academic offence, I trust that you have had time to reflect on the seriousness of this incident and will not commit another academic offence again. It is important for you to know that you cannot drop a course in which an offence has occurred and a sanction has been imposed. Finally, you should be aware that any subsequent allegations of academic misconduct are usually referred directly to the Office of the Dean or the Tribunal for investigation.

7. A copy of Ms. Grayburn's email and the sanction letter is attached at **Tab 2**.

Acknowledgments

- 8. The student acknowledges that:
 - (a) the Provost has advised the Student of her right to obtain legal counsel;and
 - (b) she is signing this ASF on Penalty freely and voluntarily, knowing of the potential consequences she faces.

Date: _____June 15, 2021_____

Tina Lie Assistant Discipline Counsel University of Toronto

TAB 1

ADMISSION FORM: ACADEMIC OFFENCE

Name (Last, First):

Student number:

C , Y N

Department:

Language Studies

Course:

LIN101 H5 Winter 2018

Alleged offense:

Use of unauthorized external source (copying a classmate) on quiz

At my meeting with the Instructor today, I admit that I am (please circle one):

Guilty	Not Guilty
Student Signature	May. 12th 2018 Date
Instructor Signature	March 12 2018

TAB 2

Belinda Grayburn

From:

Belinda Gravburn

Sent:

Thursday, March 15, 2018 1:47 PM

To:

e .c @mail.utoronto.ca

Subject:

Sanction letter re: LIN101H5S 20181

Attachments:

Y New sanction letter Mar 15_18.pdf

Dear Y N C

Please find attached the sanction letter from the Chair of Language Studies regarding your guilty plea of use of unauthorized aids (copying) in LIN101H5S.

We strongly encourage you to read the *Code of Behaviour on Academic Matters* located at: http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Policies/PDF/ppjun011995.pdf. Sp ecifically, we would like to draw your attention to pages 3 & 4 which outline the different types of academic offences. Pages 6 & 7 list the sanctions that can be imposed. Since this is your first offence, any future offence will be directly to the Dean's Office for review.

Should you be struggling in your courses, we encourage you to visit your instructor during their office hours for assistance. As well, you can book time with staff within the Robert Gillespie Academic Skills Centre located in the UTM Library. They have a variety of workshops available to assist students. You can also book one-on-one time to meet with their staff.

Please let us know if you have any questions.

Kind regards,

Belinda Grayburn

CTEP Academic Advisor University of Toronto Mississauga Erindale Hall, Suite 306 Tel: (905) 569-4321



March 15, 2018	

VIA E-MAIL

PERSONAL AND CONFIDENTIAL
Y N C C C C C C C C C C C C C C C C C C
Dear Miss C
In your interview with Professor Jessamyn Schertz on March 12, 2018, you admitted that you were guilty of unauthorized assistance in the quiz you submitted for credit in LIN101H5S 20181. Under section C.I.(a) 8 of the University's Code of Behaviour on Academic Matters, available on line at: http://www.governingcouncil.utoronto.ca/policies/behaveac.htm I therefore impose the following sanction:
 A mark of zero (0) for the assignment in question.
Since this incident is considered your first academic offence, I trust that you have had time to reflect on the seriousness of this incident and will not commit another academic offence again. It is important for you to know that you cannot drop a course in which an offence has occurred and a sanction has been imposed. Finally, you should be aware that any subsequent allegations of academic misconduct are usually referred directly to the Office of the Dean or the Tribunal for investigation.

Chair
Department of Language Studies

Yours sincerely,

Cc.:

Professor Michael Lettieri
Office of the Dean

APPENDIX 4

THE UNIVERSITY TRIBUNAL THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on February 8, 2021,

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 -



JOINT SUBMISSION ON PENALTY

1. For the purposes of this hearing under the *Code of Behaviour on Academic Matters* ("*Code*"), the Provost of the University of Toronto (the "Provost") and Y N (the "Student") have prepared this Joint Submission on Penalty ("JSP").

Joint Submission on Penalty

- 2. The Provost and the Student submit that, in all the circumstances of her case, it is appropriate that the University Tribunal impose the following sanctions on the Student:
 - (a) a final grade of zero in the course ENV311H5S in Winter 2020;
 - (b) a final grade of zero in the course PHL245H5S in Winter 2020;
 - (c) the Student will be immediately suspended from the University of Toronto for a period of up to 5 years from the date of the Tribunal's order or until Governing Council makes its decision on expulsion, whichever comes first,

and a corresponding notation will be placed on her academic record and transcript; and

- (d) the Tribunal will recommend to the President of the University that he recommend to the Governing Council that the Student be expelled from the University.
- 3. The parties agree that it is appropriate for this case to be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University of Toronto newspapers, with the name of the Student withheld.

Acknowledgements

- 4. The Student acknowledges that:
 - (a) the Provost has advised her of her right to obtain legal counsel; and
 - (b) she is signing this JSP freely and voluntarily, knowing of the potential consequences she faces.

Signed on June 22 2021.



Signed on June 22, 2021.

Tina Lie

Assistant Discipline Counsel

University of Toronto