

Cases No.: 1195 and 1194

**UNIVERSITY OF TORONTO  
UNIVERSITY TRIBUNAL**

**IN THE MATTER OF** charges of academic dishonesty filed on April 21, 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

B E T W E E N:

**UNIVERSITY OF TORONTO**

and

██████████ and ██████████

**REASONS FOR DECISION**

**Hearing Date:** September 8, 2022, via Zoom

**Members of the Panel:**

Mr. Andrew Bernstein, Chair  
Professor Ian Crandall, Faculty Panel Member  
Mr. Yazan Zamel, Student Panel Member

**Appearances:**

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP  
Mr. Chew Chang, Representative for ██████████, Chang Legal & Notary Public

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**Hearing Secretary:**

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

## A. Charges and Overview

1. On September 8, 2022, this Panel of the University Tribunal held a hearing to consider the charges brought by the University of Toronto (the “University”) against ██████████ (“Student #1”) and ██████████ (“Student #2”) under the *Code of Behaviour on Academic Matters, 1995* (the “Code”). The amended charges against Student #1 are as follows:

1. On or about November 1, 2020, you knowingly represented as your own an idea, and/or the work of another in connection with an assignment titled “Climate Change” that you submitted in partial completion of the requirements for ENV221H1F (“November 1 Paper”), contrary to sections B.I.1.(d) and B.II.1 of the Code.
2. On or about November 1, 2020, you knowingly obtained unauthorized assistance and/or provided unauthorized assistance to another student, [Student#2] in connection with your November 1 Paper, contrary to sections B.I.1.(b) and B.II.1 of the Code.
3. On or about November 1, 2020, you knowingly submitted academic work containing a purported statement of fact or reference to a source which has been concocted in your November 1 Paper, contrary to sections B.I.1.(f) and B.II.1 of the Code.
4. In addition and in the alternative to 1 above, on or about November 1, 2020, 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, in connection with the submission of the November 1 Paper, contrary to sections B.I.3(b) and B.II.1 of the Code.
5. On or about November 2, 2020, you knowingly provided unauthorized assistance in connection with an assignment titled “Climate Change” that you submitted on behalf of another student, [Student#2], in partial completion of the requirements

for ENV221H1F (“November 2 Paper”), contrary to sections B.I.1.(b) and B.II.1 of the Code.

6. In addition and in the alternative to 3 above, on or about November 2, 2020, 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, in connection with the submission of the November 2 Paper on behalf of [Student#2], contrary to sections B.I.3(b) and B.II.1 of the Code.
  7. On or about November 19, 2020, you knowingly submitted academic work containing a purported statement of fact or reference to a source which has been concocted in an assignment titled “Climate Change in Canada” that you submitted on behalf of another student, [Student#2], in partial completion of the requirements for ENV221H1F (“November 19 Paper”), contrary to sections B.I.1.(f) and B.II.1 of the Code.
  8. On or about November 19, 2020, 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, in connection with the submission of the November 19 Paper, contrary to sections B.I.3(b) and B.II.1 of the Code.
2. The Charges against Student #2 arise out of the same factual circumstances. They are:
1. On or about November 2, 2020, you knowingly obtained unauthorized assistance in connection with an assignment titled “Climate Change” that you submitted in partial completion of the requirements for ENV221H1F (“November 2 Paper”), contrary to sections B.I.1.(b) and B.II.1 of the Code.
  2. On or about November 2, 2020, you knowingly represented as your own an idea, and/or the work of another in your November 2 Paper, contrary to sections B.I.1.(d) and B.II.1 of the Code.

3. On or about November 2, 2020, you knowingly submitted academic work containing a purported statement of fact or reference to a source which has been concocted in your November 2 Paper, contrary to sections B.I.1.(f) and B.II.1 of the Code.
  4. In addition and in the alternative to 1, 2 and 3 above, on or about November 2, 2020, 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, in connection with your November 2 Paper, contrary to sections B.I.3(b) and B.II.1 of the Code.
  5. On or about November 19, 2020, you knowingly submitted academic work containing a purported statement of fact or reference to a source which has been concocted in an assignment titled “Climate Change in Canada” that you submitted in partial completion of the requirements for ENV221H1F (“November 19 Paper”), contrary to sections B.I.1.(f) and B.II.1 of the Code.
  6. On or about November 19, 2020, 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, in connection with the submission of the November 19 Paper, contrary to sections B.I.3(b) and B.II.1 of the Code.
3. Both students are registered in the Faculty of Arts and Science and started in Fall 2020. Student #1 achieved 13 credits, while Student #2 obtained 5 transfer credits, prior to these proceedings.

## **B. Liability**

### **(a) The Papers**

4. While neither Student accepted liability, both entered into an agreed statement of facts. The below summarizes those facts, which are troubling.

5. Both students enrolled in ENV221H1F – Multidisciplinary Perspectives on the Environment, in Fall 2020. Because the COVID19 pandemic was still raging at the time, the course was taught as an online synchronous course, with tutorials. The course instructor was Professor Karen Ing.

6. One of the requirements of the Course was the Climate Change Assignment, which was worth 25% of the total mark. As usual, the Course syllabus emphasized the importance of academic integrity, and provided a link to the Code.

7. On November 1, Student #1 submitted a paper to fulfil the requirements of the Climate Change Assignment. On November 2, Student #2 submitted a paper that was nearly identical to Student #1's paper. Professor Ing asked the Office for Student Academic Integrity ("SAI") to investigate.

8. When SAI investigated, it concluded that the document properties from Student #1's paper showed the author to be Flomena Wanjeku. The properties of Student #2's paper did not contain any information in the author field. Both papers also contained concocted citations.

9. On November 19, 2020, Professor Ing received a second paper from Student #1, who claimed that she was submitting it on behalf of Student #2, who had originally intended to submit this paper to fulfill the requirements of the Climate Change Assignment, instead of the original paper she submitted. This November 19 paper also had concocted sources. Moreover, the first two references on the November 19 paper state they were "retrieved 18 November,

2020” from various websites, even though this was (in theory) supposed to be the paper that Student #2 had intended to submit.

**(b) Meeting with the Dean’s Designate**

10. Both students met with the Dean’s designate. Student #1 told the Dean’s designate:

- (a) Student #2 had eye surgery and missed the November 1 deadline. She asked Student #1 for help. Student #1 sent the work to Student #2 and “too a chance prof would not notice work the same.”
- (b) Student #1 admitted that her sources were from using Google to find “something that could fit” into her paper.
- (c) When asked about Flomena Wanjeku, she said that this was someone introduced to her by a friend to help proofread her paper for grammar and structure.

11. Student #2 told the Dean’s designate:

- (a) She had eye surgery on October 27, 2020, and had not finished her Climate Change Assignment.
- (b) She asked a friend for help, and they agreed to submit the friend’s paper as her own. Then, if the professor noticed, they would tell the professor that this was a mistake, which she hoped the professor would let her correct by submitting a second paper.
- (c) They went through with this plan.
- (d) When Professor Ing discovered the similarities, they followed through and told her that Student #2 had made a mistake.
- (e) She admitted to using concocted sources, claiming that she had looked at Chinese websites.

**(c) Letters from Both Students**

12. After receiving requests to schedule tribunal hearings, both students sent documents called “Explanation Letter.” Student #1’s letter said that she wanted to “express my deepest apology and regret for my misbehavior with a very burdened heart.” The letter also said:

- (a) She did a lot of research before writing the paper, as she wanted a better grade.
- (b) She started writing the paper on October 25<sup>th</sup>, 2020, and finished it on October 29<sup>th</sup>.
- (c) She did not like the final product and asked in her “chat group” if there was anyone who could help her improve the paper and her writing skills.
- (d) She was sorry for making the wrong decision.
- (e) She had regret and guilt and had learned a lesson.
- (f) She wrote “I’m well aware that I fall short of many people’s expectations and make a stupid mistake this time. But if I can be granted a precious second chance, I will show you my determination and the changes I have made. I’ll take this as a powerful lesson and never commit again.”

13. Student #2’s letter stated:

- (a) She finished a draft of the assignment in October 2020, but after eye surgery had difficulty improving her draft.
- (b) A “paper revision professional” helped her modify her paper.
- (c) She was scared of the potential consequence of the school learning that she had asked someone to change her work, which is why she lied in the meeting with the Dean’s designate.

- (d) She did not learn that the person helped both students revise their papers had sent back the same paper to both of them.
- (e) She acknowledged the importance of academic integrity and offered an apology.

14. Unfortunately, as we will explain below, even the contents of these letters contained several lies, which makes it quite difficult to believe that either of these students were contrite.

**(d) What really happened: both papers were purchased online**

15. In an agreed statement of facts that they entered into with the Provost, the students now admit that pretty much everything the students had said up to this point had been false. They admit they told those false stories to hide the fact that both papers – the first one that they both submitted, and the second one that only Student #2 submitted – were purchased from online sources. They admit they did no meaningful work on their papers, and that everything that they had previously said was an attempt to avoid detection. Student #1 also admits she helped Student #2 concoct her scheme.

16. Needless to say, the Panel is extremely disappointed in both students' conduct. Buying a paper is one of the most serious offences in a university setting. Lying about it makes it worse. Continuing to lie, and telling new and different lies when confronted with the evidence shows a lack of remorse. Telling lies while pretending to show remorse in a letter of explanation shows a shocking lack of honesty. It is hard to believe anything these students say. Even their agreed statement of facts is either the third or fourth different story they have told about the circumstances leading up to their submitting these papers.

**(e) Code Violation**



17. There are numerous code violations associated with these students' conduct. Although both attended the hearing, they did not contest liability in any real way.
18. We found Student #1 guilty of charges 1, 2, 4, 5, 6, and 8. Specifically, we found her liable of one count of plagiarism contrary to sections B.I.1(d) and B.II.1. of the Code, two counts of obtaining and/or providing unauthorized assistance contrary to sections B.I.1(b) and B.II.1. of the Code, and three counts of academic dishonesty and misrepresentation contrary to sections B.I.3(b) and B.II.1 of the Code.
19. We found Student #2 found guilty of charges 1, 2, 4, and 6. Therefore, we found that she committed one count of plagiarism contrary to section B.I.1(d) of the Code, one count of obtaining unauthorized assistance contrary to sections B.I.1(b) and B.II.1 of the Code, and two counts of engaging in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in order to obtain academic advantage of any kind contrary to sections B.I.3(b) and B.II.1 of the Code.
20. We found them not guilty of submitting work containing concocted sources. The offence of submitting work containing concocted sources is not directed to people who submit a paper they did not write. The offence is directed to people who write their own paper, and then fabricate sources. Both are academically problematic, but in a totally different way. More to the point, the offence of concocting sources must be done "knowingly." Assistant Discipline Counsel points out that this includes anyone who "ought reasonably to have known." While we agree that the students ought to reasonably have written their own papers, and therefore know about the sources cited therein, we are not persuaded that the charge of concocted sources is a proper fit to these facts. The students committed serious offences in submitting papers they did

not write, but to find them further guilty of concocting sources implies a level of (actual or constructive) knowledge these students did not have.

21. As Assistant Discipline Counsel conceded, this charge has no impact on the sanction the Provost is seeking. We consider that appropriate, since the offences we find them guilty of are very serious.

**C. Sanction**

22. The Provost asked for the following sanction to be imposed on both students:

- (a) a final grade of zero in the course ENV221H1F in Fall 2020;
- (b) a suspension from the University of Toronto for a period of five years from August 31, 2022 to August 30, 2027; and
- (c) a notation of the sanction on her academic record and transcript for six years from the date of the Tribunal's order to August 30, 2028.

23. For the reasons that follow, we have ordered the sanction requested by the Provost.

24. In determining the sanction, the Panel has considered the factors set out in the decision *University of Toronto and Mr. C. factors* (Case No. 1976/77-3, November 5, 1976). This is the leading decision on sentencing principles. Counsel for the Provost submitted a book of authorities and referred to several cases in argument in addition to *Mr. C.* We were taken to the cases of *The University of Toronto and X.L.* (Case No. 1292, July 11, 2022,), *The University of Toronto and L.S.* (Case No. 1310, April 18, 2022,), *The University of Toronto and S.T.* (Case No. 1241, January 7, 2022), *The University of Toronto and Y.S.* (Case No. 1035, October 30, 2019), in which the students were found to have committed a similar academic offence (purchasing an assignment), and given a similar penalty.

25. Counsel for Student #1 initially conceded that the penalty requested is appropriate overall but asked us to start the suspension earlier. But when confronted with the fact that his client obtained several credits in the period in which he asked that she be retroactively suspended, he rescinded that request and asked for a four-year suspension.

26. We see no reason to depart from the suspension requested by the Provost in light of the case law cited above. We recognize that five years is the maximum penalty that this tribunal can give. But we also note that there are many cases in which a recommendation of expulsion is the penalty for a purchased essay. In this case, the Provost has not asked for that penalty, which shows a degree of admirable restraint in light of the students doubling and tripling down on lies to try to escape responsibility for their conduct. Assistant Discipline Counsel advises that this penalty is being sought because they have no history of academic discipline and because they ultimately admitted to their offences. We agree that there are not sufficient aggravating factors in this case to warrant recommending expulsion. But their record of ongoing dishonesty – even while purporting to apologize – makes us wonder whether they can be trusted in an academic environment again. We have our doubts, but hopefully, they will take some of the time during their lengthy suspension to think about what they have done, mature, and if they choose to return, will do so with a new appreciation for the importance of honesty and integrity.

27. Our order is therefore that the following sanctions shall be imposed on both students:

- (a) a final grade of zero in the course ENV221H1F in Fall 2020;
- (b) a suspension from the University of Toronto for a period of five years from August 31, 2022, to August 30, 2027; and

- (c) a notation of the sanction on their academic record and transcript for six years from the date of the Tribunal's order to August 30, 2028.
- (d) the case shall be reported to the Provost, for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the students' names withheld.

Dated at Toronto, this 31<sup>st</sup> day of January 2023.

A handwritten signature in black ink, appearing to read "Andrew Bernstein". The signature is fluid and cursive, with the first name "Andrew" and the last name "Bernstein" clearly distinguishable.

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Mr. Andrew Bernstein, Chair  
On behalf of the Panel