

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty made on August 30, 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 -

S [REDACTED] T [REDACTED]

**REASONS FOR DECISION**

**Hearing Date:** October 15, 2021, via Zoom

**Members of the Panel:**

Mr. Shaun Laubman, Chair

Dr. Robyn Stremler, Faculty Panel Member

Ms. Giselle Dalili, Student Panel Member

**Appearances:**

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

**Hearing Secretary:**

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

**In Attendance:**

Ms. S [REDACTED] T [REDACTED]

1. The Trial Division of the University Tribunal heard this matter against S [REDACTED] T [REDACTED] (the “Student”) by videoconference due to the ongoing Covid-19 pandemic.
2. For the reasons provided below, the Tribunal found the Student guilty of academic misconduct and imposed the following penalty:
  - a. a final grade of zero in ANT253H1F (20209);
  - b. a suspension from the University commencing October 15, 2021 and ending on August 30, 2026;
  - c. a notation of the sanction on her academic record and transcript from October 15, 2021, and ending on August 30, 2026; and
  - d. that this case be reported to the Provost, with the Student’s name withheld, for publication of a notice of the decision of the Tribunal and the sanctions imposed.

### **Agreed Statement of Facts**

3. Helpfully, the parties provided an Agreed Statement of Facts (“ASF”) that was relied upon by the Tribunal. The ASF is reproduced in part below.
4. The Student was charged as follows:
  - a. On or about November 28, 2020, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in an essay titled “Taboos in Gender and Sexuality in Poland,” which you submitted in partial completion of the requirements for ANT253H1F (20209) – Language & Society (the “Course”) contrary to section B.I.1(d) of the Code of Behaviour on Academic Matters, 1995 (“Code”); and
  - b. In the alternative to charge #1, 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 the Course, contrary to section B.I.3(b) of the Code. (collectively referred to as the “Charges”)
5. The Student pled guilty to the charges against her in the ASF. The University agreed to withdraw charge #2 if the Tribunal found the Student guilty of charge #1.

6. In the Fall of 2020, the Student registered in the Course. In the ASF, the Student admitted that she received a copy of the syllabus for the Course. The syllabus stated, in part, as follows:

PLAGIARISM on exams and written work: You may get lecture or tutorial notes from other students for days when you are absent, but the answers you submit must be your own independent work. Exercises in which duplication is detected will be severely penalized. It is your responsibility to be familiar with University of Toronto rules, and adhere to them. If you have any questions about what is or is not plagiarism, please see <http://www.plagiarism.org/>. Students will be required to submit their course essays to Quercus, which will upload essays to Turnitin.com. By now you should be aware that the university expects your work to be done independently. The university takes this issue very seriously.

7. The academic requirements for the Course included an essay in completion of Assignment #2 – Sexuality in Language, which was worth 15% of the final grade in the Course.
8. On or about November 28, 2020, the Student submitted an electronic copy of an essay titled “Taboos in Gender and Sexuality in Poland” (“Essay”). She did so in partial completion of the requirements of the Course, and for the purpose of receiving academic credit.
9. The teaching assistant and instructor were concerned that the Student may have committed academic misconduct by committing plagiarism and including fabricated and falsified citations in the Essay. The Student met with them on February 10, 2021. During that meeting, she admitted that she had purchased the Essay that she submitted.
10. On August 21, the Student met with the Dean’s Designate for academic integrity. The Student acknowledged that the Dean’s Designate provided the warning that was required to be given to her under the Code. During this meeting, she admitted that she purchased the Essay that she submitted.
11. The Student made the following admissions in the ASF:

- a. She did not get a good mark on her first essay in the Course. She was very concerned about not doing well on this assignment;
- b. She contacted someone on WeChat who advertised that she provided students with tutoring and essay services for students. All of the conversations between the Student and the author took place on WeChat. The Student stated that she believed she thought she had found an authorized tutorial service until the instructor raised concerns about the paper. She then realized that this was not an authorized service;
- c. She provided the author with some draft ideas for the paper. The Student paid the author about \$100 for the Essay, which the author wrote and delivered to the Student. The Student made some minor changes to the grammar and sentence structure but did no meaningful academic work on it. She then submitted the Essay that she purchased from the author;
- d. After the instructor raised concerns about the Essay, the author returned the fee the Student paid to her;
- e. She did no meaningful academic work on the Term Paper or the Op-Ed, and knowingly submitted them in essentially the same form as she received them;
- f. She was very remorseful for her conduct and stated that she did not set out to violate the Code on purpose;
- g. She admitted that, however, in the Essay she knew or ought to have known that she was representing the ideas of the author, the expression of the ideas of the author, and the work of the author as her own. The Student admitted that she knew or ought to have known that she was committing plagiarism contrary to section B.I.1(d) of the Code;
- h. She knew or ought to have known that she 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, contrary to section B.I.3(b) of the Code;
- i. She acknowledged that she signed the ASF freely and voluntarily, knowing of the potential consequences she faced, and did so with the advice of counsel; and

- j. She acknowledged that the University had made no representations regarding what penalty it would ask the Tribunal to impose.
12. Based on the admissions in the ASF, in particular, the Student's admission that she knew or ought to have known that she was committing plagiarism contrary to the Code, the Tribunal found her guilty of one count of the academic offence of plagiarism, contrary to section B.I.1(d) of the Code.
13. The University withdrew the other charge.

**Penalty**

14. Both the University and the Student made submissions at the penalty stage.
15. The University's position was that the following penalties should be imposed:
- a. a grade of zero in the Course;
  - b. a five-year suspension and notation on the Student's transcript; and
  - c. publication of the sanction with the Student's name withheld.
16. In support of its position, the University submitted that plagiarism in the form of purchased work was amongst the most serious offences. It introduces an economic element into academic endeavours and, by definition, is premeditated. It threatens to undermine the University's reputation and the ability of third parties to rely on marks assigned by the University. It also disadvantages honest students who put forth the effort to submit their own original work.
17. The University relied on twelve cases involving purchased essay plagiarism offences to support its requested penalties. The cases dated from 2011 to 2019 and established a clear line of authority that the usual penalty for purchasing an essay is expulsion with the potential to reduce the penalty to a five-year suspension when mitigating factors were present. The standard penalty for plagiarism also involved a grade of zero in the relevant course.

18. The University's position was that a five-year suspension for the Student was warranted given the seriousness of the offence and the strong need for general deterrence.
19. The University acknowledged that the Student immediately admitted her guilt and cooperated throughout the discipline process. It contended that her cooperation was taken into account as a factor in not requesting expulsion. However, it did not constitute the type of exceptional mitigating circumstances that past decisions indicate is required before a suspension less than five-years should be imposed.
20. The University submitted that the Tribunal should follow the clear line of precedent and start with the presumption that expulsion is the appropriate penalty when the offence involves purchasing a paper and then take account of the *University of Toronto v. Mr. C.* (Case No. 1976/77-3, November 5, 1976) factors to determine whether a lesser penalty was appropriate.
21. The University identified the nature of the offence, the need for general deterrence, the harm to the University and the extenuating factors (the Student's cooperation) as the relevant factors that supported the requested five-year suspension.
22. In her submissions, the Student was apologetic and remorseful. She explained that she did not realize she was making a mistake at the time she committed the offence but acknowledged that she was doing poorly in the Course and wanted a better mark.
23. The Student explained that remote learning was difficult for her and that she suffered from anxiety and insomnia as a result of the discipline process. She spoke to the impact that a long suspension would have on her personally, her education and work prospects. She said that she did not think that her mistake would lead to a lengthy suspension.
24. The Student asked the Tribunal to impose a more lenient penalty than the University's proposed five-year suspension although she did not identify a specific alternative penalty despite being asked.
25. In response to the Student's submissions, the University pointed out that the Student was able to get a strong grade in another course that she was taking virtually at the same time

as the Course. It also argued that the pandemic should not be considered as a mitigating factor as it was a common experience for all students.

26. Based on the past decisions provided to the Tribunal, including the *University and S.C., N.R.H, M.K.K.* (Case No. 596, 597, 598, November 23, 2011) decisions of the Discipline Appeals Board, the *University and K.H.H.* (Case No. 602, May 6, 2011) decision, the *University of Toronto and Y.S* (Case No. 1035, October 30, 2019) decision and the *University of Toronto and Z.Z.* (Case No. 862, August 23, 2016) decision, it is clear that expulsion is the appropriate starting point for offences involving purchased papers although mitigating factors sometimes lead to a reduction, generally to a five-year suspension. To reduce the suspension to less than five-years would require evidence of exceptional mitigating or extenuating factors that were not present in this case.
27. The Tribunal accepted the Student's evidence that she made a mistake that she regretted and would learn from. These factors weighed in favour of not recommending that the Student be expelled. However, the seriousness of the offence combined with the detriment to the academic integrity of the University and the strong need for general deterrence all supported the University's proposed five-year suspension.
28. The Tribunal accepted the University's submissions on penalty and imposed the following penalty on the Student:
  - a. a final grade of zero in ANT253H1F (20209);
  - b. a suspension from the University commencing October 15, 2021, and ending on August 30, 2026;
  - c. a notation of the sanction on her academic record and transcript from October 15, 2021, and ending on August 30, 2026; and
  - d. that this case be reported to the Provost, with the Student's name withheld, for publication of a notice of the decision of the Tribunal and the sanctions imposed.

Dated at Toronto, this 7<sup>th</sup> day of January, 2022.

Original signed by: \_\_\_\_\_

Mr. Shaun Laubman, Chair

On behalf of the Panel