

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on November 25, 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 am. S.O. 1978, c. 88

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

L [REDACTED] S [REDACTED]

REASONS FOR DECISION

Date of Hearing: January 13, 2022, via Zoom

Members of the Panel:

Ms. Karen Symes, Chair
Professor Margaret MacNeill, Faculty Panel Member
Mr. David Allens, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Mr. William Webb, Co-Counsel, Paliare Roland Rosenberg

Hearing Secretary:

Mr. Christopher Lang, Director, Office of Appeals, Discipline and Faculty Grievances

Not in Attendance:

Ms. L [REDACTED] S [REDACTED]

Charges and Hearing

1. This Panel of the University Tribunal held a hearing, by Zoom, on January 13, 2022, to consider the charges brought by the University of Toronto (the “University”) against L■■■■ S■■ (the “Student”) under the *Code of Behaviour on Academic Matters, 1995* (the “Code”).
2. The charges against the Student are as follows:
 - (a) On or about March 8, 2021, the Student knowingly represented as her own an idea or expression of an idea, and/or the work of another in an essay titled “Progress and Convenience: Short-term Boon, Long-term Problem” (the “Essay”), which she submitted in partial completion of the requirements for CCT218H5S, 2021(1) (the “Course”), contrary to section B.I.1(d) of the *Code*.
 - (b) In the alternative, on or about March 8, 2021, the Student knowingly obtained unauthorized assistance in connection with the Essay, which she submitted in partial completion of the requirements for the Course, contrary to section B.I.1(b) of the *Code*.
 - (c) In the alternative to the charges above, the Student 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*.

The particulars related to charges are as follows:

- (d) At all material times, the Student was a registered student in the University of Toronto Mississauga. In Winter 2021, the Student registered in the Course, which was taught by Professor Steven Logan.
- (e) One of the course requirements was to complete an assignment on the Received View of Technology and the Information Society, which was worth 25% of the final grade in the Course.
- (f) The Student purchased the Essay that she submitted. The Student did no meaningful academic work on the assignment before she submitted it.
- (g) You obtained unauthorized assistance with the Essay that amounted a wholesale rewriting of the Essay.
- (h) You knowingly included the ideas, and/or the expression of ideas, and/or the words of another in your assignment without proper attribution.
- (i) In the Essay, you knowingly represented the work of other persons as your own, and you knowingly included ideas and expressions that were not your own, but were the unacknowledged ideas and expressions of other persons.
- (j) For the purposes of obtaining academic credit and/or other academic advantage, you knowingly committed plagiarism in the academic work that you submitted.

3. The Student did not appear at the hearing but corresponded with Assistant Discipline Counsel prior to the hearing. The Student and Assistant Discipline Counsel, on behalf of the University, were able to reach an agreement and the hearing proceeded on the basis of an Agreed Statement of Facts (“ASF”) and Joint Submission on Penalty (“JSP”). In the circumstances, the Student requested that the hearing be conducted in her absence.
4. Pursuant to sections 6 and 7 of the *Statutory Powers Procedure Act* (the “Act”), and rule 17 of the *University Tribunal Rules of Practice and Procedure* (the “Rules”), where reasonable notice of an oral hearing has been given to a party in accordance with the Act and the party does not attend at the hearing, the Tribunal may proceed in the absence of the party, and the party is not entitled to any further notice of the proceeding.
5. The Student signed and submitted a request that the Tribunal proceed in her absence and that she waived her right to any further notice of these proceedings. The Student stated that she was aware that the Tribunal may find her guilty of academic misconduct and may impose a penalty greater than that set out in the joint submission on penalty, including recommending that she be expelled from the University.
6. In the circumstances, and given the joint request of the University and the Student, the Tribunal exercised its discretion to proceed with the hearing in the absence of the Student.
7. The Panel reviewed the ASF and the documents filed confirming the facts set out in the ASF before and during the course of the hearing. A summary of the agreed facts follows.

Evidence and Findings

8. In Winter 2021, the Student registered in Foundations of Media and Technology Studies, CCT218H5S, 2021(1), which was taught by Professor Steven Logan (the "Course").
9. The syllabus contained a section on academic integrity, which stated that using someone else's ideas or words without appropriate acknowledgement would constitute an academic offence. The syllabus also stated that working collaboratively, in-person or online, with others on assessments that are expected to be completed individually would constitute an academic offence. The Student admits that she received a copy of the syllabus.
10. One of the Course requirements was to complete an assignment on the Received View of Technology and the Information Society. This assignment was worth 25% of the final grade in the Course. The syllabus clearly stated that the assignment "is an individual assignment."
11. On or about March 8, 2021, the Student submitted an essay titled "Progress and Convenience: Short-term Boon, Long-term Problem". The Student submitted the essay in fulfillment of the requirements for the Received View of Technology and the Information Society assignment. A copy of the Student's paper was attached to the ASF at Tab A.

12. Professor Logan was concerned that the Student might have committed academic misconduct in her essay. Professor Logan noticed that the Student's essay contained writing and ideas that were significantly stronger than those typically found in a second-year undergraduate student's essay.
13. On June 2, 2021, the Student met with Charles Elkabas, the Dean's Designate for academic integrity. The Student acknowledges that Professor Elkabas provided her with the required warnings under the Code. During the meeting, the Student first said that she had a friend proofread, edit, and make suggestions on her essay, which she had already completed. She also said, at first, that she had read all of the articles cited in her essay. She then admitted that this was not true.
14. During the meeting, the Student was unable to explain significant portions of her essay. In particular:
 - (a) She could not explain several simple terms in her essay, including "broadly", "crucial", "evolve", "virtuous", and "likewise";
 - (b) She could not explain several sociological concepts in her essay, including "Neolithic", the "industrial revolution", the "digital gap", "cognitive capitalism" and "human capital"; and;
 - (c) She was unfamiliar with the contents of at least one of the sources that she had cited in her essay.
15. The Student then stated that, in addition to using her friend to proofread her essay, she had also used a translator. The Student then admitted to Professor Elkabas that she paid an essay writing service \$80.00 to rewrite her essay. The Student admits through the ASF that she paid an essay writing service \$80.00 to write her essay and that she did no meaningful academic work on the essay that she submitted.
16. The Student admits that in the essay she knew or ought to have known that she was committing plagiarism contrary to section B.I.1 (d) of the Code. The Student admits that 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.
17. The Student is remorseful for her conduct.
18. Following deliberations and based on the admissions made by the Student, the ASF and the supporting materials, the Panel concluded that the first charge had been proven with clear and convincing evidence on a balance of probabilities, and accepted the guilty plea of the Student in respect of that charge. The Panel was advised that if the Tribunal convicted the Student on that charge, the University would withdraw Charges #2 and #3 (the alternative charges) and those charges were so withdrawn.

Penalty

19. The Student and University submitted a JSP in support of the following penalty:
 - (a) a final grade of zero in CCT218H5S, 2021(1);
 - (b) a suspension from the University for five years from the date the Tribunal makes its order;
 - (c) a notation of the offence on her academic record and transcript for six years from the date of the Tribunal's order; and
20. The parties also submitted that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the name of the Student withheld.
21. As the Tribunal has stated in many cases, absent exceptional circumstances, panels are expected to accept and implement joint submissions on penalty. As set out in the Discipline Appeals Board decision in *The University of Toronto and M. A.* (Case No. 837, December 22, 2016), a joint submission on penalty "may be rejected by a panel only in circumstances where to give effect to it would be contrary to the public interest or would bring the administration of justice into disrepute" (para 25).
22. This is a serious offence. As set out in the Discipline Appeals Board decision in *The University of Toronto and S.C., N.R.H. and M.K.K. ("S.C.")* (Case Nos. 596, 597 and 598, November 23, 2011), "purchased essay offences are about as serious as can be committed in a University setting," (para 136). The Appeals Board explained the reasons for this at paras 104-105:

[104] We begin our analysis by explaining our views about the nature of the offence in this case. As previous decisions of this Board make clear, purchasing academic work for a fee and then submitting that work with a view to securing academic credit, has always been considered among the very most, to use the majority's description, "egregious" offences a student can commit in the University environment. There are a number of reasons for this. First, in taking these steps, there is clear evidence of intention, deliberation and knowing deception, both in the planning, managing and completion of the offence, all of which occurs over a period of time, as in this case. As well, the act of paying for the services of another in this context, introduces a commercial element into the relationship of a student with the University, a factor very distant from the core values of an academic institution, where individual effort, intellectual thought and hard work are the hallmarks.

[105] Moreover, this particular variety of plagiarism is quite different and more severe than the usual appropriation of the work of another through internet sources or the many ways that existing work can be commandeered. With purchased work, as the advertising of The Essay Place makes clear, the student buys an original work, tailored to the specific subject and which will not be found through the increasing sophisticated antennae of professors and their electronic helpers.

23. The Appeals Board explained that, for this type of offence, the Tribunal should approach sentencing “with the working assumption that expulsion from the institution is the sanction that is best commensurate with the gravity of the offence,” (at para 136). That said, whether or not expulsion is appropriate will depend on a number of factors and the particular facts of the case. The University provided the panel with authorities on cases of purchased essays:
- (i) *The University of Toronto and S.C., N.R.H. and M.K.K.* (case Nos. 596, 597 and 598, November 23, 2011);
 - (ii) *The University and Y.S.* (Case No. 1035, October 30, 2019);
 - (iii) *The University and J.W.* (Case No. 1082, August 23, 2019);
 - (iv) *The University and P.H.Q.* (Case No. 982, May 8, 2019);
 - (v) *The University and Y.W.* (Case. No. 990, September 12, 2019);
 - (vi) *The University and N.H.* (Case No. 996, May 7, 2019);
 - (vii) *The University and A.A.D.* (Case No. 972, September 26, 2018);
 - (viii) *The University and Z.Z.* (Case No. 918, March 28, 2017);
 - (ix) *The University and Z.Z.* (Case No.862, August 23, 2016);
 - (x) *The University and Y(A).T.* (Case No. 783, July 21, 2015);
24. In the Panel’s view, the joint submission in this case is neither contrary to the public interest, nor would it bring the administration of justice into disrepute. In arriving at this decision, the Panel took into consideration the nature of the offence, the detriment to the University occasioned by the offence, the need to deter other students from acting in a similar manner, the character of the Student, and the circumstances surrounding the commission of the offence (*University of Toronto v. Mr. C. Case No. 1976/77-3, November 5, 1976* at p. 15). The penalty proposed falls within the range of penalties imposed in other similar cases.
25. While this was a serious offence for the reasons outlined above, there are also important mitigating factors to consider. First, this was the Student’s first academic offence and involved a single act of misconduct. Second, the Student expressed remorse for her conduct. Finally, the Student admitted guilt and entered into the ASF and JSP. These actions demonstrate insight and remorse.
26. In all of the circumstances, and having reviewed the cases provided by the parties in support of the JSP, at the conclusion of the hearing, the Panel issued the following Order, which is hereby confirmed:

- (a) The hearing may proceed in the absence of the Student;
- (b) The Student is guilty of one count of the academic offence of plagiarism, contrary to section B.I.1(d) of the Code of Behaviour on Academic Matters;
- (c) The following sanctions shall be imposed on the Student:
 - (i) a final grade of zero in CCT218H5S, 2021(1);
 - (ii) a suspension from the University for five years from the date the Tribunal makes its order; and
 - (iii) a notation of the offence on her academic record and transcript for six years from the date of the Tribunal's order.
- (d) THAT this case shall be reported to the Provost for publication of a notice of the Tribunal's decision and the sanction imposed, with the student's name withheld.

Dated at Toronto this 18th day of April, 2022.

Original signed by: _____
Ms. Karen Symes, Chair

On behalf of the Panel