

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on January 19, 2022,

**AND IN THE MATTER OF** the University of Toronto *Code of Behaviour on Academic Matters, 2019*,

**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:**

**THE UNIVERSITY OF TORONTO**

- AND -

S [REDACTED] K [REDACTED]

**REASONS FOR DECISION**

**Hearing Date:** October 26, 2022, via Zoom

**Panel Members:**

Mr. Christopher Wirth, Chair  
Professor Michael Saini, Faculty Panel Member  
Mr. Ben Kitching, Student Panel Member

**Appearances:**

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

**Hearing Secretary:**

Ms. Nadia Bruno, Special Projects Officer & Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances

**Not in Attendance:**

[REDACTED]

1. A Panel of the Trial Division of the University Tribunal was convened on October 26, 2022, by videoconference to consider charges brought by the University of Toronto (the “University”) against S██████ K█████ (the “Student”) under the University’s *Code of Behaviour on Academic Matters, 2019* (the “Code”).

### **Preliminary Issue: Proceeding in the Absence of the Student**

2. The hearing was scheduled to begin at 9:45 a.m. At that time, neither the Student, nor anyone on the Student’s behalf, were logged onto the Zoom link. The Panel adjourned the hearing until 10:02 a.m. to allow time for the Student to attend it. At that time, the Student was still not present and the University then requested that the Panel proceed with the hearing in the Student’s absence.
3. Pursuant to Rule 16 of the University Tribunal’s *Rules of Practice and Procedure* (“Rules”), a notice of an electronic hearing must include the date, time, place and purpose of the hearing; a reference to the statutory authority under which the hearing will be held; information about the manner in which the hearing will be held; and a statement that if a person does not attend the hearing, the Panel may proceed in the person’s absence. Rule 17 provides that where notice of an electronic hearing has been given to a person and that person does not attend the hearing, the Panel may proceed with the hearing in the party’s absence. The Rules conform to sections 6 and 7 of the *Statutory Powers Procedure Act* (the “SPPA”), which set out the notice requirements.
4. Pursuant to Rule 9, a notice of hearing may be served on a student by various means, including by emailing a copy of the document to the student’s email address contained in the University’s Repository of Student Information (“ROSI”).
5. The University’s *Policy on Official Correspondence with Students* dated September 1, 2006, expressly states that students are responsible for maintaining on ROSI a current and valid mailing address and University-issued email account, and that “[f]ailure to do so may result in a student missing important information and will not be considered an acceptable rationale for failing to receive official correspondence from the University.” Students are expected to monitor and retrieve their email on a frequent and consistent basis. Students

have the right to forward their University issued email account to another email account, but remain responsible for ensuring that all University email communications are received and read.

6. The onus of proof is on the University to establish that it provided the Student with reasonable notice of the hearing in accordance with these Rules.
7. In this case, the University provided evidence relevant to service by way of the evidence of two witnesses: Andrew Wagg (“Mr. Wagg”), a Manager, Incident Response at Information Security, Information Technology Services at the University and Kimberly Blake (“Ms. Blake”), a Legal Assistant at the law firm of Paliare Roland Rosenberg Rothstein LLP. These two witnesses provided their evidence by affidavit, which were accepted by the Panel pursuant to rule 61 of the Rules.
8. The contents of the affidavits (without Exhibits) of these two witnesses are set out below:

*a) Evidence of Mr. Wagg*

9. Mr. Wagg’s affidavit provides as follows:
  1. I am a Manager, Incident Response at Information Security, Information Technology Services at the University of Toronto. As such, I have knowledge of the matters contained in this affidavit. Where I do not have direct knowledge of a matter contained in this affidavit, I state the source of my knowledge and I believe it to be true.
  2. Information Technology Services provides many services to the University of Toronto, including management of the email accounts used by students. To access an email account one needs to input both the user’s login id and the password for that account. The Microsoft 365 Exchange portal automatically records the last time someone accessed a particular university-issued email account.
  3. On October 12, 2022, at the request of Tina Lie, the Assistant Discipline Counsel for the University of Toronto, I checked the portal records to determine the last time someone accessed the email account [REDACTED]@[mail.utoronto.ca](mailto:mail.utoronto.ca). I determined

that the last time someone accessed this e-mail account was on October 6, 2022 at 2:10 am, local Toronto time.

***b) Evidence of Ms. Blake***

10. Ms. Blake’s affidavit provides as follows:

1. I am a legal assistant at the law firm Paliare Roland Rosenberg Rothstein LLP. I work with Tina Lie, a partner at Paliare Roland, who acts as Assistant Discipline Counsel to the University of Toronto. As such, I have knowledge of the matters contained in this affidavit. Where I do not have direct knowledge of a matter contained in this affidavit, I state the source of my knowledge and I believe it to be true.

***A. Contact Information***

2. On October 13, 2022, the Academic Integrity Unit (“AIU”), Office of the Dean at the University of Toronto Mississauga (“UTM”) provided my office with a copy of the current contact information for S [REDACTED] K [REDACTED] (the “Student”) in the University’s Repository of Student Information (“ROSI”). The Student’s contact information in ROSI record is as follows:

(a) Email address: [REDACTED]@[mail.utoronto.ca](mailto:[REDACTED]@mail.utoronto.ca)

(b) Mailing address: [REDACTED]  
[REDACTED]

(c) Permanent address: [REDACTED]  
[REDACTED]

(d) Phone number: [REDACTED]

(e) International phone number: [REDACTED]

3. I have attached a copy of the Student’s contact information to my affidavit as **Exhibit A**.

4. I have attached a copy of the Student's academic record, as of October 12, 2022 to my affidavit as **Exhibit B**.

***B. University of Toronto's correspondence with the student***

5. The file that my office received from UTM indicates that the AIU contacted the Student by email at [REDACTED]@[mail.utoronto.ca](mailto:mail.utoronto.ca) in February 2021 regarding the allegations of academic misconduct in issue in this case and that the Student met with the Dean's Designate for Academic Integrity on March 17, 2021. I have attached a copy of the emails that were exchanged with the Student in February and March 2021 to my affidavit as **Exhibit C**.
6. The file also indicates that after the March 17, 2021 meeting, the AIU contacted the Student by email to arrange another meeting with the Dean's Designate which occurred on March 24, 2021. I have attached a copy of the emails that were exchanged with the Student in March 2021 to my affidavit as **Exhibit D**.
7. The file further indicates that the AIU again contacted the Student by email on June 10, 2021 asking if she wished to change her plea. [REDACTED] [REDACTED] responded by email stating that she wished to maintain her plea of not guilty and asking about retaining legal counsel. A copy of this email thread is attached to my affidavit as **Exhibit E**.

***C. Charges and disclosure***

1. On January 19, 2022, the Office of the Vice-Provost, Faculty and Academic Life served the charges in this matter on the Student by email to [REDACTED]@[mail.utoronto.ca](mailto:mail.utoronto.ca). I have attached a copy of the email and charges (on which I was copied) to my affidavit as **Exhibit F**.
2. Also on January 19, 2022, the Office of Appeals, Discipline and Faculty Grievances (the "ADFG Office") sent a letter to the Student at [REDACTED]@[mail.utoronto.ca](mailto:mail.utoronto.ca), in respect of the Charges. The letter explained the Tribunal process and encouraged [REDACTED] [REDACTED] to speak to a legal representative and provided contact information for Downtown Legal Services ("DLS"). Attached with this letter was a copy of the

Charges, the *Code of Behaviour on Academic Matters*, the University Tribunal *Rules of Practice and Procedure*, and a pamphlet for DLS. A copy of the email and letter from the ADFG Office is attached to my affidavit as **Exhibit G**.

3. On February 7, 2022, Ms. Lie sent the Student an email to introduce herself. Ms. Lie advised that important documents and correspondence would be sent to the Student's mail.utoronto.ca email address. I have attached a copy of Ms. Lie's email (on which I was copied) to my affidavit as **Exhibit H**.
4. Ms. Lie has advised me that on March 2, 2022, she had a call with the Student. As a result, she emailed the Student that same day with the name of a few lawyers with experience representing students in academic discipline matters. I have attached a copy of Ms. Lie's email (on which I was copied) to my affidavit as **Exhibit I**.
5. On April 4, 2022, Ms. Lie emailed the Student a disclosure letter, a disclosure brief, and a copy of the University's *Policy on Official Correspondence with Students*. I have attached a copy of the email (on which I was copied) and the disclosure letter to my affidavit as **Exhibit J**.

**D. Hearing**

6. On August 3, 2022, Ms. Lie emailed the Student about scheduling a hearing date. Ms. Lie advised that if she did not hear back by August 10, 2022 she would request that a hearing date be scheduled. I have attached a copy of this email (on which I was copied) to my affidavit as **Exhibit K**.
7. ■■■ ■■■ did not respond. On August 16, 2022, Ms. Lie emailed the Student advising that she would request a hearing be scheduled for October 26, 2022 at 9:45 am. A copy of this email is included in the email thread at Exhibit K.
8. On August 16, 2022, Ms. Lie emailed the ADFG Office to request that a hearing be scheduled for October 26, 2022 at 9:45 am. The Student was copied on this email. I have attached a copy of this email (on which I was copied) to my affidavit as **Exhibit L**.

9. On August 17, 2022, the ADFG Office issued a Notice of Electronic Hearing to take place via zoom on October 26, 2022. The ADFG Office sent the notice to the Student at [REDACTED]@mail.utoronto.ca. A copy of this email is included in the email thread at Exhibit L.
10. On September 27, 2022, the ADFG Office issued a Revised Notice of Electronic Hearing and sent a copy to the Student at [REDACTED]@mail.utoronto.ca. A copy of this email is included in the email thread at Exhibit L. A copy of the Revised Notice of Electronic Hearing is also included at Exhibit L.
11. On October 15, 2022, Ms. Lie sent the Student several emails attaching additional disclosure. I have attached a copy of these emails (on which I was copied) to my affidavit as **Exhibit M**.
12. On October 18, 2022, Ms. Lie emailed the Student copies of the affidavits of the Provost's witnesses. Ms. Lie stated that the Provost would rely on the affidavits at the hearing, and asked the Student to let our office know whether she intended to cross-examine any of the affiants. Ms. Lie also informed [REDACTED] [REDACTED] that the Provost had decided to withdraw charges #4, #5 and #6 of the charges filed on January 19, 2022. I have attached a copy of this email (on which I was copied) to my affidavit as **Exhibit N**.

***E. Further attempts to contact the Student***

13. On October 13, 2022, I called the Student at [REDACTED] (this is a [REDACTED] [REDACTED]) which is the number that the Student had provided in ROSI as her phone number. After the first ring, an auto-recording came on saying that "the customer you are trying to call is not available and to try again at a later time".
14. On October 14, 2022, I called the Student at [REDACTED] (using a [REDACTED] [REDACTED] country and area code), which is the number that the Student had provided in ROSI as her International Telephone Number. The phone rang several times before going to voicemail. The voicemail message was not in English and I was therefore

unable to identify if the recording identified the Student's voicemail. I left a message advising her of the upcoming hearing, to check her University of Toronto email address and to contact Ms. Lie to discuss. I provided Ms. Lie's office phone number as 416-646-4332.

15. On October 14, 2022, I again called the Student at [REDACTED] and received the same auto-recorded message as before.
16. To the best of my knowledge, the Student has not contacted our office since her call with Ms. Lie of March 2, 2022. Our office has not received any correspondence from the Student to indicate that she is not able to attend the hearing scheduled for October 26, 2022 at 9:45 am.
11. The evidence is that the Student, after being sent the Charges, had a conversation with Assistant Discipline Counsel on March 2, 2022, but is uncertain as to whether the Student reviewed the Charges, the disclosure or the Notice of Electronic Hearing. However, the Rules do not require actual notice. The University can serve the Student, but cannot make the Student actually read what is served.
12. The University did everything it could reasonably have done to contact the Student and did take the steps it was required to under the Rules. The Student had a telephone conversation with Assistant Discipline Counsel on March 2, 2022, after being sent the Charges and the Student's University of Toronto email account was accessed as late as October 6, 2022, well after service of the Notice of Electronic Hearing and the revised Notice of Electronic Hearing. Accordingly, the Panel was satisfied it was more likely than not that the Student had made a deliberate choice some time ago to avoid and turn her back on any official communications from the University. That choice has consequences.
13. Therefore, in light of the evidence and the submissions of Assistant Discipline Counsel, the Panel was satisfied that the Student had been given reasonable notice of the hearing in compliance with the notice requirements of the SPPA and the Rules. The Panel decided to hear the case on its merits in the absence of the Student.



## **Charges and Particulars**

14. The charges alleged against the Student as filed by the Provost on January 19, 2022, are as follows:
  1. On or about October 16, 2020, you knowingly represented as your own an idea or expression of an idea or work of another in topic proposal you submitted in VCC306H5 (“VCC306”), contrary to section B.I.1(d) of the Code.
  2. In the alternative, on or about October 16, 2020, you knowingly obtained unauthorized assistance in connection with a topic proposal you submitted in VCC306, contrary to section B.I.1(b) of the Code.
  3. In the further alternative, on or about October 16, 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 a topic proposal you submitted in VCC306, contrary to section B.I.3(b) of the Code.
  4. On or about November 7, 2020, you knowingly represented as your own an idea or expression of an idea or work of another in an assignment (Assignment 2) you submitted in VCC290H5 (“VCC290”), contrary to section B.I.1(d) of the Code.
  5. In the alternative, on or about November 7, 2020, you knowingly obtained unauthorized assistance in connection with an assignment (Assignment 2) you submitted in VCC290, contrary to section B.I.1(b) of the Code.
  6. In the further alternative, on or about November 7, 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 an assignment (Assignment 2) you submitted in VCC290, contrary to section B.I.3(b) of the Code.
15. The particulars related to charges 1, 2, 3, 4, 5 and 6 are as follows:

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

***VCC306***

2. In Fall 2020, you enrolled in VCC306H5 (Visual Culture and Colonialism).
3. Students in VCC306 were required to submit a final project. They were required to come up with a topic on their own and to consult with the instructor by October 16, 2020, before going on to the next stage of submitting a topic proposal and annotated bibliography (worth 10% and due November 6, 2020) and ultimately the final essay (worth 20% and due December 11, 2020).
4. You did not consult with the instructor about your topic.
5. On or about October 16, 2020, you submitted your topic proposal and annotated bibliography (the “Topic Proposal”).
6. You submitted the Topic Proposal:
  - (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; and
  - (c) knowing that you did not properly reference the ideas, expressions of ideas or work that you drew from the author of the Topic Proposal.
7. You did not write all or part of the Topic Proposal. You knowingly obtained unauthorized assistance from another individual (or individuals) in the Topic Proposal.
8. You knowingly submitted the Topic Proposal 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.

## **VCC290**

9. In Fall 2020, you enrolled in VCC290H5 (Topics in Visual Culture and Communication).
10. Students in VCC290 were required to submit, among other things, two assignments, worth 10% each.
11. On November 7, 2020, you submitted Assignment 2 in VCC290 (the “Assignment”).
12. You submitted the Assignment:
  - (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; and
  - (c) knowing that you did not properly reference the ideas, expressions of ideas or work that you drew from the author of the Assignment.
13. You did not write all or part of the Assignment. You knowingly obtained unauthorized assistance from another individual (or individuals) in the Assignment.
14. You knowingly submitted the Assignment 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.
16. Assistant Discipline Counsel advised the Panel that the Provost was withdrawing Charges 4-6 and was only proceeding with Charges 1-3. In addition, Assistant Discipline Counsel advised the Panel that if a finding was made for Charge 1, the Provost would then withdraw Charges 2 and 3.

## **The Student’s Position**

17. Given that the Student was not present nor represented, she was deemed to have denied the remaining charges. As a result, the hearing proceeded on the basis that the University bore the burden of proving the charges on the balance of probabilities.

### **Overview**

18. In addition to the previously identified affidavits, the University tendered the evidence of two witnesses, Professor Kajri Jain (“Professor Jain”), a Professor in the Department of Art History at the University and Professor Charles Elkabas (“Professor Elkabas”), a Professor of French Studies, Language Teaching and Learning in the Department of Language Studies and he was the Dean’s Designate for Academic Integrity with the Office of the Dean until July 1, 2021 at the University who provided their evidence by affidavit, which was accepted by the Panel pursuant to Rule 61 of the Rules.
19. After careful deliberation, and having considered all the evidence, the Panel found that on the balance of probabilities the evidence was sufficiently clear, cogent and convincing to discharge the burden of proof on the University and found that the Student had committed academic misconduct.

### **The Evidence**

20. The contents of the affidavits (without Exhibits) of these two witnesses are set out below:

#### ***a) Evidence of Professor Jain***

21. Professor Jain’s affidavit provides as follows:
  1. I am a Professor in the Department of Art History at the University of Toronto Mississauga (“UTM”). As such, I have personal knowledge of the matters set out in this affidavit. Where I do not have personal knowledge of a matter, I state the source of my information and I believe it to be true.

#### **A. *The VCC306 Course***

2. I have been an instructor at UTM for 15 years. During this time, I have taught 38 undergraduate courses, and have had experience with grading hundreds of undergraduate student papers and assignments.
3. In Fall 2020, I was the instructor for VCC306H5 (Visual Culture and Colonialism) (“VCC306”). VCC306 examines visual forms, such as photography, colour printing and films, from the second half of the 19th century and the early 20th century through the lens of colonialism. The overall goal of the course is to understand the ways in which many of our image practices today perpetuate the imperialist uses of visual culture and their attendant injustices.
4. I have attached a copy of the course outline to my affidavit as **Exhibit “A”**.
5. There were 27 students in VCC306 in Fall 2020. The course was administered remotely, via Zoom.
6. ■■■■■ was a student in VCC306.
7. Students in VCC306 were told about the University’s expectations for academic integrity. The course outline, under the heading “University Statement on Academic Integrity for In-Person and Online Learning” (on pages 22-23), provided as follows:

**University Statement on Academic Integrity for In-Person and Online Learning**

Academic integrity is essential to the pursuit of learning and scholarship in a university, and to ensuring that a degree from the University of Toronto Mississauga is a strong signal of each student’s individual academic achievement. As a result, UTM treats cases of cheating and plagiarism very seriously.

The University of Toronto’s Code of Behaviour on Academic Matters outlines behaviours that constitute academic dishonesty and the process for addressing academic offences.

Potential offences include, but are not limited to:

In papers and assignments:

1. Using someone else's ideas or words without appropriate acknowledgement, including notes or answer guides provided by tutoring companies or shadow courses.
2. Submitting your own work in more than one course without the permission of the instructor.
3. Cutting and pasting text from lecture voice-overs, course readings, or video transcripts.
4. Collaborating with others in the course, unless this is part of the assignment.
5. Making up sources or facts.
6. Obtaining or providing unauthorized assistance on any assignment.

...

All suspected cases of academic dishonesty will be investigated following procedures outlined in the Code of Behaviour on Academic Matters. If you have questions or concerns about what constitutes appropriate academic behaviour or appropriate research and citation methods, you are expected to seek out additional information on academic integrity from your instructor or from other [institutional resources](#).

**B. ■■■'s Topic Proposal and Annotated Bibliography**

8. Students in VCC306 were graded on the basis of the following:

<b>Participation</b> (this included active engagement in class discussions)	20%
<b>Class discussion</b> (students were required to choose a particular week when they would have primary responsibility for contributing to class discussions)	5%
<b>Weekly image based responses</b> (students were required to submit a very short response to the readings each week)	35%
<b>Group project</b> (Orientalism Today)	10%
<b>Final project</b> (described in more detail below)	30%

<b>Total</b>	<b>100%</b>
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9. Students in VCC306 were required to submit a final project worth a combined 30%. The final project was comprised of three stages. Each stage was required to be completed independently.

- (a) **Topic approval:** First, students were required to independently come up with a topic and to consult with me to get their topic approved. I made clear to students that their topic needed to be approved by me, prior to moving on to the second stage of writing the proposal. After consultation with me, students were required to submit a couple lines on Quercus (the online learning platform that was used to administer the course) describing the approved topic by October 16, 2020 at 5 pm. The course outline provided as follows (on pages 18-19) with respect to the topic that students were required to submit for approval:

*The topic*

Usually your final project will be an 8-10 page paper that examines an image (advertisement, photograph, film, artwork, music video, etc.) or display (exhibition, museum, theme park etc.) in relation to the visual culture of colonialism, using at least two of the relevant concepts/keywords covered in class. The image could be from the colonial period or an instance from later visual culture that you are able to relate to the history of colonialism or decolonizing struggles. Try and choose a topic that speaks to you and that you are invested in. You are expected to go beyond the readings assigned in class; your image analysis will also require substantial independent research, so for both you should budget adequate time.

While final submissions normally take the form of an essay, there is also scope, only with Prof. Jain's approval, for a video submission or an artistic or media-based project, but this must be accompanied by a rigorous written explanation of how it relates to topics or concepts from the course. All projects must go through a written proposal process with an annotated bibliography of the sources you will use. [More below...]

Your project topic must be formulated in consultation with Prof. Jain. You are required to submit a couple of lines describing your approved topic to Quercus (see Assignments) by 5pm Friday October 16 at the very latest otherwise you will have insufficient time to put together a proposal. Be warned: it almost always takes several tries before a topic is approved, so please start the process early! **You may not proceed with your project proposal until your topic has been approved.**

Please note that developing a project topic is an important part of the learning process, providing an irreplaceable opportunity for one-on-one mentoring. As part of this process, therefore, it is essential to attend individual student hours, at least once but ideally 2-3 times over the course of the term: at least once to discuss your essay topic, once to discuss the feedback on your proposal, and if required once to discuss your progress on the essay. [Emphasis in original]

- (b) **Proposal:** The second stage was the proposal, which was a 1-page description of the topic. The purpose was to set out what the student proposes to do in their final project. It was required to include, among other things, an annotated bibliography. The proposal was worth 10% and due November 6, 2020 at 5 pm. The course outline provided as follows (on page 19) with respect to the proposal:

*The proposal*

The proposal is a 1-page description of your topic, with the image or link attached (not included in the page length). You do NOT need a fully developed argument or “thesis” – this will evolve from your image analysis. A *proposal* is exactly what it suggests: a description of what you *propose* to do.

The proposal should include:

- a description of the image (including its medium and genre, where/when it was produced, how it circulated, anything you know about how it was received, whether there is already scholarship or critical writing on it, etc.);
- your motivation in choosing it;
- how it fits with the course themes and aims;



- which concepts/keywords from the course you will use to analyze it and why they are relevant (though this could change as we go, in consultation with Prof. Jain);
- if there is existing scholarship or critical writing on this topic, how you will not be simply repeating or summarizing it but building on, adding to, and/or challenging it; and
- a list of at least 3-4 annotated academic sources beyond the weekly course readings that speak to your image or topic (these could provide background information on the context of the image, and/or elaborate further on the concepts you are using). Please use scholarly references primarily from relevant humanities disciplines (i.e., not psychology, economics, marketing, etc.). Of course you may also include other types of sources in addition to these academic works.
- Remember to annotate your bibliographic entries: a few lines for each source describing what it is about, what approach it takes to your topic, and why it is useful for your project.

The proposal is due at 5pm on Fri. Nov. 6, via Quercus. Online submission via Quercus is required as a .doc file, NOT .pdf.

You will be unable to write a successful paper without getting feedback on your proposal. Your paper grade will reflect your ability to address this feedback. [Emphasis in original]

- (c) **Final paper:** Finally, the student was to write a final paper, which was to be 8-10 pages in length. It was worth 20% and due December 11, 2020. Details for the final paper are contained in the course outline (on pages 19-20).

10. I also discussed academic integrity during the lectures, including in the context of the final project. I have attached a copy of my PowerPoint slides from my week 5 lecture, held on October 19, 2020, which includes references to the importance of academic integrity, to my affidavit as **Exhibit “B”** (see slides 1-3, 7 and 37). I recall that I raised the importance of academic integrity in lectures before week 5 as well.

11. ■■■ did not complete the first stage of the final project. She did not consult with me or get her topic approved. However, on October 15, 2020, the day before the deadline to submit the topic approval, she submitted what appeared to be

her entire proposal and annotated bibliography (i.e., the second stage of the project) on Quercus (the “Proposal”). I have attached a copy of [REDACTED] [REDACTED]’s Proposal to my affidavit as **Exhibit “C”**. The Proposal was not submitted as a Word document, but instead was submitted through the text box on Quercus (for the topic approval, I was only expecting students to submit a couple lines, so did not request that the students submit a Word document).<sup>1</sup> A screenshot of the Proposal, as it appears on Quercus, is attached to my affidavit as **Exhibit “D”**.

12. The Proposal approached the topic in a way that I had warned students against. The topic was *The New World*, which is a film written and directed by Terrence Malick, inspired by the historical figures Captain John Smith and Pocahontas. In class, I had made clear to students that they should not select an image that merely illustrates or depicts colonialism. Instead, students were required to consider their selected topic from the perspective of how it represents an ideological vehicle for colonial power. [REDACTED] [REDACTED]’s Proposal focussed on the former, an approach I had warned students against. While other students had made a similar mistake in their initial approach to the topic, they had consulted with me (as was required for the topic approval) and through our discussions and with my feedback, were able to formulate a topic more in line with what the assignment was asking for. However, [REDACTED] [REDACTED] did not talk to me about her topic, so I did not have the opportunity to provide her with feedback on her proposed topic before she submitted the Proposal.
13. Upon review, I was suspicious that the Proposal may not have been written by [REDACTED] [REDACTED] for several reasons:
  - (a) I considered the writing style to be technical and professional-sounding. The language seemed to be consistent with a more advanced researcher in some other type of academic environment. For example, I found the use of

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<sup>1</sup> Because the Proposal was submitted in this manner, it also was not submitted to Turnitin.com, which is the software used in the course to detect potential plagiarism (see course outline at pp. 23-24).

the following language and concepts to be unusual coming from a third-year undergraduate student in the context of this course:

- (i) The concept of image as “a self-sufficient unit of information” (p. 1);
- (ii) The term “triumvirate” to refer to mother, lover and son (p. 2);
- (iii) The term “line of human becoming”, in relation to Malick’s references to Martin Heidegger and Immanuel Kant (p. 2); and
- (iv) The following phrases seemed to use strangely formal and technical language:

- 1) “The world is not given to people directly but is mediated by a cognitive act. Cognition and its results are always structured by a system of concepts and relations characteristic of a particular culture in which the cognizing subject is located” (p. 1)
- 2) “Considering the above ideas, it is valid to state that the impressive visual elements of *The New World* movie perfectly reflect the genuine cultural-emotional perspectives and worldviews of the heroes framed into historical specifics of the colonial period” (p. 2)
- 3) “Malick reaches the highest point of mastery in *The New World* (2005), creating a real symphony of the human body and nature with flash frames and second flashbacks” (p. 2).

- (b) The Proposal included very sophisticated references that were too advanced for what I would expect from a third-year undergraduate student: for example, the references to the philosophical works of Heidegger and Kant, and the works of film-makers Claire Denis, Jean-Luc Godard and Alain

Resnais (none of whom, except Heidegger, were referred to in the course at all).

- (c) The Proposal ended with the sentence, “The work is planned to be completed within the framework of deadlines given by the scientific supervisor”. There is no “scientific supervisor” in the course and never any discussion about a “scientific supervisor”. I found the use of this language to be very odd and suspicious.
14. The annotated bibliography in the Proposal includes three sources (in addition to the film, *The New World*):
- (a) Bell, B.L. (1994). Pocahontas: “Little mischief” and the “Dirty men”. *Studies in American Indian Literatures*, 63-70, a copy of which is attached to my affidavit as **Exhibit “E”**;
  - (b) Griffin, M. (2001). Camera as witness, image as sign: The study of visual communication in communication research. *Annals of the International Communication Association*, 24(1), 433-463, a copy of which is attached to my affidavit as **Exhibit “F”**; and
  - (c) Kelly, C. (2012). Neocolonialism and the global prison in National Geographic’s locked up abroad. *Critical Studies in Media Communication*, 29(4), 331-347, a copy of which is attached to my affidavit as **Exhibit “G”**.
15. None of these sources refer to the works of Heidegger, Kant, Denis, Godard or Resnais.
16. I also had doubts that ■■■■■ even attended my class. She joined the virtual class without video and often late. She also never participated in class discussions. Sometimes, there were in-class assignments that were to be submitted to Quercus. For those, she received a zero, which suggests that she was not participating even though she was logged into the Zoom lecture. In addition, a couple of times she remained logged into the lecture after class ended. My virtual office hours were

held immediately following the class. On the occasions that ■■■ ■■■ remained logged on I assumed she wanted to speak with me during my virtual office hour. However, when I messaged her in the chat to ask if she wanted to speak, I received no response. This suggested to me that she was not actually in front of her computer, despite having logged into the Zoom lecture.

**C. *Contact with the Student***

17. In light of my suspicions, on October 23, 2020, I met with ■■■ ■■■ to discuss the Proposal.
18. The matter was subsequently forwarded to the Academic Integrity Unit at UTM.

**D. *Weekly Responses***

19. Students were required to submit 10 weekly responses. As noted above, the weekly responses were worth a total of 35% of students' final grades (a student's best seven weekly responses were worth 5% each). For the weekly responses, students were usually required to answer 1-2 questions, find an image that illustrates certain key ideas in the reading or viewing for the week, and explain how it does so. Students were not required to do any outside research and were instead supposed to focus their responses on ideas contained in that week's readings.
20. My records indicate that ■■■ ■■■ submitted 8 weekly responses in total:
  - (a) Week 2, submitted on September 17, 2020;
  - (b) Week 3, submitted on September 24, 2020;
  - (c) Week 4 submitted on October 1, 2020;
  - (d) Week 5, submitted on October 8, 2020;
  - (e) Week 7, submitted on October 30, 2020;
  - (f) Week 8, submitted on November 6, 2020;

(g) Week 9, submitted on November 12, 2020; and

(h) Week 11, submitted on November 26, 2020,

21. I reviewed and marked some of ■■■■■'s responses. The remaining responses were graded by my teaching assistant Ms. Sanniah Jabeen. I have attached copies of the weekly responses, together with my comments or my teaching assistant's comments, to my affidavit as **Exhibit "H"**
22. Overall, ■■■■■'s weekly responses indicated that while she could formulate a response, they were often not responsive to the questions asked. ■■■■■ sometimes failed to answer part of the question (weeks 3, 9 and 11), misunderstood the arguments in the readings (weeks 3 and 5), did not reference the readings (week 4 and 8) or failed to provide citations (weeks 5, 7 and 8). With respect to her week 7 response ■■■■■ was advised that she was both supposed to find her own image to analyze, and could not use an existing one from the readings, and that she was not expected or encouraged to use any other sources to analyse the image. Nevertheless, her Week 9 and 11 responses continued to include a "bibliography", which included references to sources from outside the course materials.
23. Some of the weekly responses that ■■■■■ submitted contained some of the features (in terms of unusual references and technical-sounding language) that I noted in the Proposal, as well as references in the "bibliography" to unusual sources. However, I did not raise any issue with the weekly responses with ■■■■■ (in terms of academic integrity) because my concerns with the weekly responses did not rise to the level that I had with the Proposal.

***E. Revised Proposal***

24. On October 27, 2020, after I had met with ■■■■■ about the Proposal on *The New World*, ■■■■■ submitted another proposal for her final project. I have attached to my affidavit a copy of this proposal (the "First Revised Proposal") as **Exhibit "I"**. ■■■■■'s new proposal topic was an advertisement campaign for Land Rover, and her proposal included an image of the advertisement.

25. On October 28, 2020, I sent ■■■■■ an email asking for clarification on the new proposal, in particular “how the image... [she] ha[d] sent of elephants and a car constitute[d] a ‘problematic portrayal of sexism and irresponsible racial stereotyping’?”. ■■■■■ responded stating that she was referencing a video advertisement. I asked for a link to the video and she responded on November 2, 2020 by saying that the video had been taken down so she made “small changes” to her proposal. ■■■■■ also attached a whole new proposal to this email, this time about the film, *A Passage to India*. A copy of this email thread is attached to my affidavit as **Exhibit “J”**. A copy of ■■■■■’s November 2, 2020 proposal (the “Second Revised Proposal”) with my comments is attached to my affidavit as **Exhibit “K”**.
26. I made a number of comments to her Second Revised Proposal (see Exhibit “G”). On December 11, 2020, ■■■■■ submitted her final project. ■■■■■ appears to have incorporated my feedback into her final paper. A copy of ■■■■■’s graded final paper (the “Final Project”) with my comments is attached to my affidavit as **Exhibit “L”**.
27. I found that the style and language used in the First Revised Proposal, the Second Revised Proposal and the Final Project to be consistent with what I would expect from a third-year undergraduate student. The assignments did not contain the use of professional and technical language that was contained in the Proposal. The First Revised Proposal and the Second Revised Proposal also did not contain the sophisticated ideas that I had found were present in the Proposal, such as references to Heidegger and Kant. The Final Project contained some surprisingly advanced concepts, but these were accompanied by citations in footnotes.
28. Ultimately, the ideas and language used in the Proposal seemed to be different from ■■■■■’s work on the First Revised Proposal, the Second Revised Proposal and the Final Project, and were unusual for a third-year undergraduate student, in my experience. It also failed to cite to any sources that linked together the sophisticated ideas (as described above, the sources listed in the annotated bibliography of the

Proposal did not refer to those ideas). As a result, I remain suspicious that either the Proposal was not written entirely by [REDACTED] [REDACTED] or [REDACTED] [REDACTED] had failed to reference the sources that she used to complete the Proposal.

29. A copy of the grades that [REDACTED] [REDACTED] received for the assignments she submitted in the course are attached to my affidavit as **Exhibit “M”**.
30. I make this affidavit in connection with the charges that were filed against [REDACTED] [REDACTED] by the University of Toronto under its *Code of Behaviour on Academic Matters* and for no other purpose.
22. In addition to Professor Jain’s affidavit, the Panel questioned her as to whether in addition to attempting to speak to the Student while still logged in on Zoom following the class, did she speak to or attempt to speak with the Student during the classes. Professor Jain could not recall any participation by the Student during the classes or her attempting to speak with the Student. Professor Jain also confirmed that the Student’s first submission was not submitted to Turnitin.com and also advised that the concern was not so much that the Student was copying and pasting, rather, that she was taking ideas from another source and not citing it. Lastly, Professor Jain confirmed that there was no grade for the Student’s first submission.

***b) Evidence of Professor Elkabas***

23. Professor Elkabas’ affidavit provides as follows:
  1. I am a Professor of French Studies, Language Teaching and Learning in the Department of Language Studies at the University of Toronto Mississauga (“UTM”). Until July 1, 2021, I also served as a Dean’s Designate for Academic Integrity with the Office of the Dean at UTM. As such, I have personal knowledge of the matters set out in this affidavit. Where I do not have personal knowledge of a matter, I state the source of my information and I believe it to be true.
  2. The Academic Integrity Unit (“AIU”) in the Office of the Dean is the office at UTM that is responsible for investigating allegations of academic misconduct and



arranging for students who are facing such allegations to meet with the Dean or Dean's Designate in accordance with the process set out in the *Code of Behaviour on Academic Matters* (the "Code").

**A. Allegation against [REDACTED] [REDACTED]**

3. The AIU received an allegation from Professor Kajri Jain regarding an assignment that [REDACTED] [REDACTED] had submitted in VCC306H5 (Visual Culture and Colonialism) ("VCC306") in Fall 2020.<sup>1</sup> In particular, [REDACTED] [REDACTED] was alleged to have obtained unauthorized assistance in a topic proposal and annotated bibliography (the "Proposal") in VCC306, worth 10%, which she submitted on October 15, 2020. A copy of the Proposal is attached to my affidavit as **Exhibit "A"**.
4. On February 24, 2021, the AIU sent [REDACTED] [REDACTED] an invitation to meet with me on March 10, 2021 regarding the allegation of academic misconduct. On February 24, 2021, [REDACTED] [REDACTED] responded, stating that she would attend the meeting, but asking to meet at a different time. The AIU sent her the meeting details that day, for a meeting on March 17, 2021. A copy of this email thread is attached to my affidavit as **Exhibit "B"**.

**B. Meeting on March 17, 2021**

5. On March 17, 2021, I met with [REDACTED] [REDACTED] via videoconference (Zoom). Jade Hazell, Academic Integrity Assistant, also attended the meeting and took notes. A copy of the notes that Ms. Hazell took during the meeting is attached to my affidavit as **Exhibit "C"**.
6. The meeting was recorded on Zoom. However, I understand from Ms. Hazell and believe that the recording has since been deleted. Pursuant to AIU policy, Zoom meeting recordings are typically deleted after they are reviewed by a member of the AIU to ensure the overall accuracy of the meeting notes. The University policy is

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<sup>1</sup> The AIU also received an allegation that [REDACTED] [REDACTED] had committed an academic offence in an assignment submitted in VCC290H5 ("VCC290") in Fall 2020. However, I understand that the Provost is not proceeding with this allegation. As a result, I have not referred to the VCC290 allegations in this affidavit.

also to delete Zoom recordings after 365 days. I understand from Ms. Hazell and believe that the notes that she took were not meant to be a verbatim transcript of the meeting and it is possible that some parts were missed.

7. I recall meeting with ■■■■■ over Zoom, but do not have a specific recollection of everything we discussed in the meeting. I made my own notes in preparation for the meeting, which included questions I wanted to discuss with ■■■■■. A copy of these notes is attached to my affidavit as **Exhibit “D”**.
8. On April 1, 2021, I summarized my meeting with ■■■■■ on March 17, 2021 (as well as a subsequent meeting on March 24, 2021, described below) in a letter to Michael Lettieri, Vice-Dean of Academic Experience at UTM. A copy of my letter is attached to my affidavit as **Exhibit “E”**.
9. I have relied on the documents at Exhibits “C”, “D” and “E” to refresh my memory about my meeting with ■■■■■ on March 17, 2021. My recollection of the meeting is provided below.
10. At the outset of the meeting, I gave ■■■■■ the caution that I am required to provide under the *Code*.
11. During this meeting, I explained to ■■■■■ that she was alleged to have obtained unauthorized assistance in the Proposal she submitted in in VCC306. ■■■■■ denied the allegation.
12. In our discussion about the Proposal in VCC306, I told her that the instructor had noted that ■■■■■ had not submitted a topic proposal, as requested in class, before submitting her assignment. When I asked ■■■■■ why she did not do this, ■■■■■ expressed surprise by this news. I explained that the instructions for the assignment were to submit a topic proposal and wait for approval from the instructor before commencing the project, but the instructor had only received what appeared to be the completed project with the annotated bibliography. ■■■■■ expressed confusion about what the problem was, saying that she had handed in her final project, regardless of the one-page proposal. I explained that the project that

■■■■ had submitted did not deal with the topic assigned, but that her failure to submit a topic proposal was not the issue at hand.<sup>2</sup>

13. I told ■■■■ that the allegation was that she had obtained unauthorized assistance in completing the Proposal. When I asked who wrote the paper, ■■■■ said that she had written it.
14. The Proposal was about the film *The New World* written and directed by Terrence Malick. I have some experience and knowledge of the topics raised in the Proposal. In particular, I obtained my Ph.D. from the University of Illinois, with a specialist in French literature and a minor in cinema and comparative literature. During my graduate studies at the University of Illinois, I was also the assistant to the Director of the Unit for Cinema Studies. I have published and read several papers on French films at international conferences. I also served as a refereeing member for the Journal of African Cinemas. I had not seen *The New World*, but had one other film by Terrence Malick (*Badlands*), as well as most films by Jean-Luc Godard and Alain Resnais (who are referred to in the Proposal). I also have some knowledge of the works of the philosophers, Immanuel Kant and Martin Heidegger (who are also referred to in the Proposal). I am not a philosopher but I used their concepts of morality (Kant) and existentialism and perception (Heidegger) when I taught French novels by Marcel Camus and Jean-Paul Sartre.
15. Before the meeting I had highlighted the Proposal to mark the parts I intended to question ■■■■ about. A copy of this highlighted version is attached to my affidavit as **Exhibit "F"**. During the meeting, I screenshared the highlighted version and asked her about some of the words, phrases and concepts that I had identified.

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<sup>2</sup> My understanding at the time was that ■■■■ was required to submit a proposal and final project, and that ■■■■ had not, in fact, submitted her proposal, but rather had submitted her final project instead. I now understand that ■■■■ was required to first submit a few sentences describing the topic after consultation with the instructor, but ■■■■ had not done this, and had instead submitted her proposal and annotated bibliography instead (rather than her final project).

16. I found that ■■■ ■■■ was unable to provide satisfactory responses when I asked her to explain a number of concepts discussed in the Proposal. Her responses did not reflect the sophisticated nature of the Proposal, and did not seem consistent with an author who demonstrated a thorough understanding of the film *The New World*.
17. ■■■ ■■■ was unable to answer basic questions about the film, philosophers and film directors referenced in the Proposal. In particular:
- (a) ■■■ ■■■ was unable to identify the main female character of the movie, Pochantas, despite her name appearing five times in the Proposal and four times in the bibliography;
  - (b) ■■■ ■■■ said she did not know who the following individuals referenced in her paper were:
    - (i) John Rolfe (p. 2)
    - (ii) Emmanuel Lubezki (p. 2)
    - (iii) Jean-Luc Godard (p. 2) and Alain Resnais (p. 2)
  - (c) ■■■ ■■■ could not explain how the philosophers, Immanuel Kant and Martin Heidegger, which were referenced in the Proposal (p. 2), related to the topic or what their philosophies were. When asked who they were, ■■■ ■■■ stated she must have discovered Kant and Heidegger while researching the director, Terrence Malick. ■■■ ■■■ stated she must have found the information online but probably did not put the source in her references. ■■■ ■■■ later said she discovered Kant through a reading she did in the course;
  - (d) When asked, ■■■ ■■■ stated that she had not seen the other two movies by Terrence Malick mentioned in the Proposal: “Days of Heaven” and “The Thin Red Line” (p. 2). ■■■ ■■■ stated she got this information from the internet but could not provide the source.

18. ■■■ ■■■ later stated that she learned about most of the people referenced in the Proposal in high school so she did not remember them.
19. I asked ■■■ ■■■ to explain a number of words and phrases in her paper:<sup>3</sup>
- (a) “visual image plays a critical role, being a self-sufficient unit of information, which in its functioning is opposite to the work of the text and the sign as the unit of information that the image has replaced” (p. 1). ■■■ ■■■ said that this was exploring the role that visual images play in the context.
  - (b) “pre-modern culture” (p. 1). ■■■ ■■■ said that it meant before modern times.
  - (c) “Considering the above ideas, it is valid to state that the impressive visual elements of The New World movie perfectly reflect the genuine cultural-emotional perspectives and world views of the heroes framed into historical specifics of the colonial period” (p. 2). ■■■ ■■■ said that the film’s visuals, including the shot angle, camera movement, context, and background, gave her information about colonization and culture. So, that was how she explained how she felt watching it for the first time.
20. ■■■ ■■■ also seemed confused when I asked if the Proposal was the final project because it contemplated further work under “Research Question, Methodology, and Plan of Work”.<sup>4</sup> When asked to explain why she referenced a “scientific supervisor” in the sentence: “The work is planned to be completed within the framework of deadlines given by the scientific supervisor” (pp. 2-3), ■■■ ■■■ stated it was her habit to write in this format and that she wrote it without realizing. She stated it was

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<sup>3</sup> My letter to Vice-Dean Lettieri on April 1, 2021 (at Exhibit “F”) also indicated that ■■■ ■■■ was unable to explain the meaning of the following terms: “the sign as the unit of information” (p. 1); “is mediated by a cognitive act” (p. 1); “visually translate the cultural driver” (p. 2); and “the key is that Jamestown” (p. 3). I do not have a specific recollection of asking ■■■ ■■■ about these terms and there is nothing in Ms. Hazell’s notes regarding these terms. However, I believe my letter to Vice-Dean Lettieri accurately reflects what I asked ■■■ ■■■ during the meeting and what we discussed.

<sup>4</sup> As noted above, I may have misunderstood whether the Proposal was intended to be the final project.

how she wrote for work and the scientific supervisor reference was probably because of a part-time job she had. (████████ had stated earlier that she writes a lot (10 papers a day) for a job that she has for W Hotel Mary International’s marketing team.)

21. When I indicated that I was concerned that ██████████ could not provide information on or had failed to provide proper citations for key people and specific terms in her paper, she reiterated that this was information she had learned from high school, so could not remember.
22. During this meeting, ██████████ raised that she suffers from anxiety, depression, PTSD and many other mental issues.
23. ██████████ later became upset and I adjourned the meeting. I advised I would set a follow-up meeting with ██████████, at a later date.

**C. Meeting on March 24, 2021**

24. On March 24, 2021, I again met with ██████████ over Zoom. In preparation for the meeting, I made notes of further questions I wanted to ask ██████████, a copy of which is attached to my affidavit as **Exhibit “G”**.
25. Ms. Hazell also attended the meeting on March 24, 2021 and took notes. A copy of the notes from the meeting is attached to my affidavit as **Exhibit “H”**.
26. My April 1, 2021 letter to Vice-Dean Lettieri (at Exhibit “E”) also includes a summary of the meeting (together with my earlier meeting).
27. I relied on the documents at Exhibits “E”, “G” and “H” to refresh my memory about my meeting with ██████████ on March 24, 2021.
28. During this meeting, I asked ██████████ a number of questions about the Proposal. However, this time, ██████████ refused to answer any of my questions, replying with a simple “no comment” throughout. When I asked ██████████ if anyone helped her to

write the Proposal or if she consulted with anyone, she said no. She pleaded not guilty to the allegation of unauthorized assistance for the Proposal.

29. I advised ■■■ ■■■ that I would be forwarding the matter to the Tribunal and adjourned the meeting.
30. On March 24, 2021, following the meeting, Ms. Hazell sent ■■■ ■■■ an email to provide her with some resources. A copy of Ms. Hazell's email is attached to my affidavit as **Exhibit "I"**.

**D. Referral to Provost**

31. As set out above, on April 1, 2021, I wrote to Vice-Dean Lettieri, summarizing the allegations against ■■■ ■■■ and my meetings with her. A copy of my letter is attached as Exhibit "E". My letter reflects my recollection of and impressions from the meeting. As set out in the letter, following my two meetings with ■■■ ■■■, I had concerns about whether she was the author of the Proposal. Her responses to my questions did not lead me to believe that she had a solid grasp on the topics and language used in the paper.
  32. On June 10, 2021, Ms. Hazell wrote to ■■■ ■■■, providing notice that the case was moving forward to the Trial Division of the University's Tribunal and asking whether ■■■ ■■■ wished to change her plea. ■■■ ■■■ replied maintaining her plea of not guilty. A copy of Ms. Hazell's email and ■■■ ■■■'s response is attached to my affidavit as **Exhibit "J"**.
  33. The matter was subsequently forwarded to the Vice-Provost's Office.
  34. I make this affidavit in connection with the charges that were filed against ■■■ ■■■ by the University of Toronto under its *Code of Behaviour on Academic Matters* and for no other purpose.
24. The Panel questioned Professor Elkabas as to whether he had any concerns that mental health issues may have affected the Student's answers. He advised the Panel that given the Student's answers, she demonstrated having a good long-term memory and given that she

told him that she was writing 10 papers a day for her employer, he did not have any such concerns.

25. This concluded the University's evidence.

### **University's Submissions**

26. Assistant Discipline Counsel submitted that the evidence of Professor Jain and Professor Elkabas, supports a finding on the balance of probabilities that the Student committed the academic offences as alleged.
27. In that regard, it was submitted that the evidence in its totality demonstrated either that the Student did not write the proposal or relied upon sources for it which were not identified or cited.

### **Standard of Proof**

28. The onus is on the University to establish, based upon clear and convincing evidence on a balance of probabilities, that the academic offences charged have been committed.

### **Decision of the Tribunal**

29. Based on the evidence and the submissions by counsel for the University, the Student was found guilty of one count of knowingly representing as her own an idea or expression of an idea or work of another, contrary to section B.I.1(d) of the Code as alleged in Charge 1 filed by the Provost on January 19, 2022.
30. Given these findings, the University also withdrew Charges 2 and 3 in addition to already having withdrawn Charges 4, 5 and 6.

### **Reasons for Decision**

31. The evidence of Professor Jain clearly demonstrated that the Student was made aware by the course outline and by Professor Jain during lectures that when writing the topic proposal for VCC306H5, she was not permitted to use someone else's ideas or words without appropriate acknowledgement, to commit to academic integrity and to be familiar with the *Code of Behaviour on Academic Matters*.



32. Despite this, the evidence established that the Student knowingly represented as her own an idea or expression of an idea or work of another in her topic proposal.
33. In this regard, the language used by the Student for her proposal was unusually sophisticated for an undergraduate student and concluded with a reference to “the scientific supervisor” which was odd and clearly suspicious that it came from another source. She also referenced several movies she later admitted to not having seen. In her meeting with Professor Elkabas, she was unable to explain the concepts and was unfamiliar with some of her proposal’s content. However, most significantly to the Panel, she admitted to him that her proposal contained information that she had found online for which she did not provide the source in her references.
34. As such, the Panel was satisfied on the balance of probabilities that the Student did not write at least part of the topic proposal and relied upon the ideas and expression of ideas by others which she did not reference or cite and as such, the Student committed the academic offence of knowingly representing as her own an idea or expression of an idea or work of another in the topic proposal she submitted in VCC306H5, contrary to section B.I.1(d) of the Code as alleged in Charge 1 filed by the Provost on January 19, 2022.

## **Sanction**

### **The University’s Evidence**

35. The University provided the Panel with a Book of Authorities containing a number of prior decisions of this Tribunal and a chart summarizing them.

### **The University’s Submissions**

36. Counsel for the University submitted that the proper sanctions to be imposed on the Student should be:
  - (a) a final grade of zero in the course VCC306H5 in Fall 2020;
  - (b) a suspension from the University of Toronto from the date of this order for a period of 2 years;

- (c) a notation of the sanction on their academic record and transcript from the date of this order for a period of 3 years; and
  - (d) that the Tribunal further order that this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the Student's name withheld.
37. Assistant Discipline Counsel reviewed with the Panel the chart summarizing the sanctions which have been given to students by this Tribunal in prior similar cases.
38. Assistant Discipline Counsel then reviewed with the Tribunal the principles relative to sanction as set out in *The University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5, 1976) ("Mr. C."), namely:
- (a) The character of the Student;
  - (b) The likelihood of a repetition of the offence;
  - (c) The nature of the offence committed;
  - (d) Any extenuating circumstances;
  - (e) The detriment to the University caused by the misconduct; and
  - (f) The need for general deterrence.
39. In this regard, Assistant Discipline Counsel submitted that as the Student did not attend the hearing and as such there is no evidence of remorse or insight or whether the Student has taken responsibility and learned from her mistakes consequently, there is no evidence as to her character or any extenuating circumstances and so that is a neutral factor.
40. The Student did not have any prior academic misconduct. Further, the fact that this conduct occurred during the early days of the pandemic which was a difficult time for students could be a mitigating factor, however, plagiarism is a serious matter and requires a strong message to be sent for general deterrence.

41. Assistant Discipline Counsel also provided the Panel with a chart of prior decisions and reviewed two prior decisions of the Tribunal to demonstrate that the proposed penalty was consistent with decisions of this Tribunal in similar cases.

### **Sanction Decision**

42. After deliberations, the Panel ordered that the following sanctions shall be imposed on the Student:
- (a) a final grade of zero in the course VCC306H5 in Fall 2020;
  - (b) a suspension from the University of Toronto from the date of this order for a period of 2 years;
  - (c) a notation of the sanction on their academic record and transcript from the date of this order for a period of 3 years; and
  - (d) that the Tribunal further order that this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the Student's name withheld.
43. An Order was signed at the hearing by the Panel to this effect.

### **Reasons for Sanction**

44. The Panel considered the submissions of Assistant Discipline Counsel and the factors and principles relevant to sanction in *Mr. C*, supra, as set out above.
45. In addition to these factors, the Panel considered the other decisions of this Tribunal involving similar misconduct as contained in the University's Book of Authorities and the sanctions imposed. However, the Panel remained cognizant of the fact that no two cases are identical and that it is not bound by past decisions of this Tribunal. However, the Tribunal does try to develop a consistent body of cases so that students are treated fairly and consistently in similar circumstances.

46. By knowingly representing as her own an idea or expression of an idea or work of another in her topic proposal for VCC306H5, the Student undermined the grades-based system of evaluation and broke the honour code that is essential to modern learning.
47. Students must understand that this kind of misconduct will have serious repercussions so that they will be dissuaded from the temptation to consider cheating.
48. The Panel accepted the University's submission that by knowingly representing as her own an idea or expression of an idea or work of another in her topic proposal, the Student committed a serious form of academic misconduct, while considering the range of sanctions provided by prior decisions of this Tribunal in similar circumstances, a period of 2 years suspension of the Student from the University was appropriate.

Dated at Toronto, this 25<sup>th</sup> day of January 2023



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Mr. Christopher Wirth, Chair  
On behalf of the Panel