

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on January 5, 2023,

**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 am. S.O. 1978, c. 88

**B E T W E E N:**

**THE UNIVERSITY OF TORONTO**

**- and -**

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**Reasons for Decision**

**Hearing Date:** November 10, 2023, via Zoom

**Members of the Panel:**

Cheryl Woodin, Chair

Professor Paul Kingston, Faculty Panel Member

David Lio, Student Panel Member

**Appearances:**

William Webb, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Jia Wang, Counsel to Student, Stienburg Law

**Hearing Secretary:**

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

**In Attendance:**

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## **Introduction**

1. The Trial Division of the University Tribunal was convened on November 10, 2023 to consider charges brought by the University of Toronto ("the University") against X■■■ Q■■■ ("the Student") under the *University of Toronto Code of Behaviour on Academic Matters*, 2019 ("the Code").
2. The Student was represented by Jia Wang and did attend the meeting. Prior to the hearing, the University and the Student entered into an Agreed Statement of Facts ("ASF") and Joint Submission on Penalty ("JSP"), all of which had been reviewed and agreed to by the Student.

## **The Charges and Particulars**

3. The Charges and Particulars alleged against the Student are as follows:

### **Charges:**

1. On or about February 14, 2022, the Student knowingly represented as their own idea an idea or expression of an idea of work of another in assignment 2 in LINC02H3S, contrary to section B.I.1(d) of the *Code*.
2. On or about March 3, 2022, the Student knowingly represented as their own an idea or expression of an idea or work of another in a preliminary research paper in LINC02H3S, contrary to section B.I.1(d) of the *Code*.
3. On or about March 3, 2022, the Student submitted a preliminary research paper for academic credit in LINC02H3S knowing that it contained references to sources that had been concocted, contrary to B.I.1(f) of the *Code*.

4. In the alternative to each of 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, contrary to section B.I.3(b) of the *Code*.

**Particulars:**

1. At all material times the Student was enrolled at the University of Toronto Scarborough.
2. In Winter 2022, the Student enrolled in LINC02H3S Phonology II ("LINC02"). Students in LINC02 were required to write several assignments and papers.
3. On or about February 14, 2022, the Student submitted their assignment 2 in LINC02, which was worth 10% of the Student's final grade.
4. The Student submitted their preliminary research paper in LINC02:
  - (a) To obtain academic credit;
  - (b) Knowing that it contained ideas, expressions of ideas or work which were not the Student's own, but were the ideas, expressions of ideas or work of others, including but not limited to the authors of: <https://www.linguisticsociety.org/sites/default/files/e-learning/18.2%20h8-syllable-structure.pdf> (the "Linguistic Society Source"); and
  - (c) Knowing that the Student did not properly reference the ideas, expressions of ideas or work that the Student drew from the Linguistic Society Source or from others.

5. On or about March 3, 2022, the Student submitted their preliminary research paper, which was worth 15% of the Student's final grade.
  
6. The Student submitted their preliminary research paper in LINC02:
  - (a) To obtain academic credit;
  
  - (b) Knowing that it contained ideas, expressions of ideas or work which were not their own, but were the ideas, expressions of ideas or work of others, including but not limited to the authors of:
    - i. Archangeli, D. B. (1999). Introducing Optimality Theory. *Annual Review of Anthropology*, 28(1), 531-552;
  
    - ii. Guo, H. L. (1999). Mandarin Loanword Phonology and Optimality Theory: Evidence From Transliterated American State Names and Typhoon Names;
  
    - iii. Neergaard, K. D., & Huang, C.-R. (2019). Constructing the Mandarin Phonological Network: Novel Syllable Inventory Used to Identify Schematic Segmentation. *Complexity*, 1-21; and
  
    - iv. Triskova, H. (2011). The Structure of the Mandarin Syllable: Why, When and How to Teach it. *Oriental Archive*, 79, 99-134 (collectively, the "Preliminary Research Paper Sources").
  
  - (c) Knowing that the Student did not properly reference the ideas, expressions of ideas or work drawn from the Preliminary Research Paper Sources or from others.
  
7. The Student submitted their preliminary research paper in LINC02 knowing that it contained references to sources that had been concocted.

8. The Student knowingly submitted their assignment 2 and preliminary research paper in LINC02 with the intention that the University of Toronto rely on it as containing the Student's own ideas or work in considering the appropriate academic credit to be assigned to their work.
9. 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 connection with the Student's assignment 2 and preliminary research paper in LINC02.

### **The Evidence Related to the Charges**

4. Evidence was submitted in the form of an ASF. Through that ASF, the following evidence was established.
5. The Student was a student at the University of Toronto Scarborough at all material times and acknowledges the obligation to monitor and retrieve emails from their official University email account on a frequent and consistent basis under the University's *Policy on Official Correspondence with Students*.
6. In Winter 2022, the Student enrolled in LINC02H3S: Phonology II, which was taught by Professor Joanna Chociej ("LINC02"). Students in LINC02 were required to write several assignments and papers. The LINC02 syllabus warned students that their work may be submitted through the University's plagiarism detection tool for a review of textual similarity and plagiarism. The LINC02 syllabus also contained a section on academic integrity that stated plagiarism was a serious offence.

7. Assignment 2 was worth 10% of the students' final grade in LINC02. Students were required to complete several language exercises for assignment 2.
8. The Student submitted assignment 2 on February 14, 2022. Professor ChocieJ reviewed it and found that the Student copied ideas and text in their answer to Part 1 Question 3 near verbatim from an online power point by the Linguistic Society without attribution (the "Linguistic Society Source").
9. The preliminary research paper was worth 15% of the students' final grade in LINC02. Students were required to summarize and analyze the syllable phonotactics of a language of their choice for their preliminary research paper.
10. The Student submitted their preliminary research paper in LINC02 on March 3, 2022. Professor ChocieJ reviewed it and found that the Student copied ideas and the expression of ideas from the following sources without attribution:
  - (a) Archangeli, D. B. (1999). Introducing Optimality Theory. *Annual Review of Anthropology*, 28(1), 531-552.
  - (b) Guo, H. L. (1999). Mandarin Loanword Phonology and Optimality Theory: Evidence From Transliterated American State Names And Typhoon Names. <https://aclanthology.org/Y99-1021.pdf>.
  - (c) Neergaard, K. D., & Huang C.-R. (2019). Constructing the Mandarin Phonological Network: Novel Syllable Inventory Used to Identify Schematic Segmentation. *Complexity*, 1-21.

(d) Triskova, H. (2011). The Structure of the Mandarin Syllable: Why, When and How to Teach it. *Oriental Archive*, 79, 99-134 (collectively, the "Preliminary Research Paper Sources").

11. Professor ChocieJ also found that the Student cited several sources for ideas that were not actually in the sources that the Student had cited in their preliminary research paper, including:

(a) Inkelas, S., Orgun, O., & Zoll, C. The implications of lexical exceptions for the nature of grammar. In I. Roca (Ed.), *Derivations and constraints in phonology* (pp. 393-418). Oxford: Clarendon Press.

(b) Myers, J. (2022). An analogical approach to the Mandarin syllabary. *Journal of Chinese Phonology*, 11 (Special Issue), 163-190.

(c) Scheer, T. (2015). How Diachronic is Synchronic Grammar? In P. Honeybone & J. Salmons (Eds.), *The Oxford Handbook of Historical Phonology* (pp. 313-336). Oxford: Oxford University Press.

(d) Vitevitch, M. S., & Luce, P. (2004). A web-based interface to calculate phonotactic probability for words and nonwords in English. *Behaviour Research Methods, Instruments, & Computers*, 36(3), 481-487.

(e) Wiener, S., & Turnbull, R. (2016). Constraints of Tones, Vowels and Consonants on Lexical Selection in Mandarin Chinese. *Language and Speech*, 59(1), 59 – 82 (collectively, the "Concocted Sources").

12. In March 2022, Professor ChocieJ met with the Student to discuss their concerns that the Student plagiarized and concocted sources in the preliminary research paper in LINC02.
13. On May 27, 2022, the Student met with Professor Mark Schmuckler, a Dean's Designate for academic integrity at the University of Toronto Scarborough, to discuss the allegations that they plagiarized in assignment 2 and the preliminary research paper in LINC02. The Student was accompanied by counsel. Professor Schmuckler provided the Student with the required warnings under the Code. During the meeting, the Student admitted to plagiarizing in assignment 2 and the preliminary research paper in LINC02.

#### ***Admissions and Acknowledgements***

14. The Student admits that they knowingly represented as their own an idea or expression of an idea or work of another in assignment 2 in LINC02, contrary to section B.I.1(d) of the Code.
15. The Student admits that they knowingly represented as their own an idea or expression of an idea or work of another in the preliminary research paper in LINC02, contrary to section B.I.1(d) of the Code.
16. The Student admits that they submitted the preliminary research paper for academic credit in LINC02 knowing that it contained reference to sources that had been concocted, contrary to section B.I.1(f) of the Code.



17. The Student admits that they knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic advantage of any kind in connection with assignment 2 and the preliminary research paper in LINC02, contrary to section B.I.3(b) of the Code.

### **Decision of the Tribunal on the Charges**

18. The University must establish on a balance of probabilities through clear and convincing evidence that an academic offence has been committed by the Student.
19. In this case the Tribunal has accepted the evidence as it was submitted by virtue of the agreed statement of facts.
20. The University and the Student were prepared to agree to findings of liability with respect to offences 1, 2 and 3 in exchange for which the 4<sup>th</sup> charge would be withdrawn.
21. The 3<sup>rd</sup> charge would have required the Tribunal to conclude that the student had "concocted" sources. The available facts indicate that the Student had identified sources for passages in their work that were not accurate and misrepresented that the passages in their work were in fact taken from other sources that were not cited. In other words, the Student's work was improperly attributed to a different source from which it was actually taken. The sources were therefore not fabricated ("concocted") but rather misrepresented.

22. The Panel deliberated and determined that the 4<sup>th</sup> charge would be more appropriate, as a result of which the University agreed that it would proceed on charges 1, 2 and 4 instead. This was satisfactory to the Panel. The evidence satisfied the Tribunal that each of these charges has been made out.

### **The Evidence Related to Penalty**

23. According to the University of Toronto Scarborough's records, the Student has two prior academic offences: (1) plagiarism and unauthorized assistance in connection with a term test in CCT109 in Summer 2020; and (2) unauthorized assistance in a homework assignment in LINC12 in Fall 2021.
24. In Summer 2020, the Student enrolled in CCT109: Contemporary Communication Technologies, which was taught by Professor Ryan Mitchell. Students in CCT109 were required to write a term test, which was worth 15% of their final grade.
25. On May 21, 2020, the Student submitted their term test in CCT109. Professor Mitchell reviewed the Student's term test and alleged that they obtained unauthorized assistance and plagiarized significant portions of their term test from online sources. Professor Mitchell and the Student discussed Professor Mitchell's concerns regarding the Student's term test in June 2020.
26. In Fall 2021, the Student enrolled in LINC12: Semantics: The Study of Meaning, which was taught by Professor Angelika Kiss. Students in LINC12 were required to write several homework assignments, each of which were worth 10% of their final grade in the course.

27. In October 2021, the Student submitted a homework assignment (worth 10%) in LINC12. Professor Kiss reviewed the Student's homework assignment and alleged that the Student obtained unauthorized assistance from other students on a significant portion of their homework assignment. Professor Kiss and the Student discussed these concerns in October 2021. During the meeting, the Student admitted to an academic offence in relation to their homework assignment.
28. On February 3, 2022, the Dean's Office sent the Student a letter about the CCT109 allegations. The letter contained information about the CCT109 allegations, information about the academic discipline process, and an offer to expedite the matter if the Student was prepared to admit to an offence. The Student received and reviewed this letter on the date that it was sent.
29. On February 14, 2022, the Student submitted assignment 2 in LINC02, which is the subject of charges #1 and #4 in this matter.
30. On February 23, 2022, Professor Juvenal Ndayiragije, the Chair of the Department of Language Studies, sent the Student a letter about the LINC12 allegations. In the letter, Professor Ndayiragije imposed a final grade of zero on the LINC12 assignment and stated that future offences would be forwarded to the academic integrity office. The letter also stated that: "I trust it is clear that the University regards with great seriousness all acts of academic dishonesty and why they cannot be tolerated. I hope you have learned from this unfortunate experience and nothing similar will happen again." The Student received and reviewed this letter on the date that it was sent.

31. On February 27, 2022, the Student signed a form in which they admitted to the academic offences of plagiarism and unauthorized assistance in connection with the CCT109 term test and accepted a sanction of final grade of zero on the term test and a one-year notation on their transcript. In that form, the Student stated: "I understand that any subsequent allegations of academic misconduct are usually referred to the Dean's Office, or Tribunal, for investigation. I understand that a subsequent allegation will be treated as a second offence and sanctioned accordingly."
32. On March 3, 2022, the Student submitted their preliminary research paper in LINC02, which is the subject of charges #2, #3, and #4 in this matter.

**Joint Submission on Penalty:**

33. The Provost and the Student submit that, in all the circumstances of the case, the University Tribunal should impose the following sanctions on the Student:
  - (a) A final grade of zero in LINC02H3S;
  - (b) A suspension from the University for a period of 4 years commencing on May 1, 2023; and
  - (c) A notation of the offence on the Student's academic record and transcript for a period of 5 years from the date of the University Tribunal's order.

34. In so doing, the parties understood that the Tribunal must ultimately determine whether to accept the joint submission and has the ability to exercise discretion to impose a different penalty.
35. The parties agreed that this case shall be reported to the Provost for publication of a notice of the University Tribunal's decision and the sanction imposed, with the Student's name withheld.

### **Decision of the Tribunal on the Penalty**

36. The agreed facts establish that the Student had committed two prior offences, and that they committed the further offences at issue in this proceeding very shortly after acknowledging commission of previous offences.
37. Counsel for the Student made submissions regarding mitigating factors on behalf of the Student. In essence, the submissions addressed not only the Student's remorse but also the very challenging circumstances and environment faced by the Student during the COVID pandemic. In particular, the Student was reported to have experienced a very severe form of isolation and estrangement from society which had a significant impact on their ability to perform as a student. It was also submitted that the Student hopes to return to a positive academic trajectory and is committed to taking steps to do so.
38. It was anticipated that the Student would give evidence directly. Their counsel identified language barriers which prevented them from doing so. Counsel for the University was prepared to proceed with submissions regarding mitigating factors

rather than evidence from the Student provided that the Panel was ultimately prepared to accept the joint submission regarding penalty. Counsel for the Student confirmed that the purpose of the submissions was to support and provide context to the joint submission regarding penalty and not to disrupt it. The University's Counsel confirmed that its agreement to the joint submission had already incorporated the anticipated evidence. The Panel proceeded on this basis.

39. The Panel is not obliged to accept a joint submission but should only reject such submission when it would be contrary to the public interest or would bring the administration of justice into disrepute.
40. The factors which should be considered and may be relevant to sentencing include:
  - (a) the character of the person charged;
  - (b) the likelihood of a repetition of the offence;
  - (c) the nature of the offence committed;
  - (d) any extenuating circumstances surrounding the commission of the offence;
  - (e) any detriment to the University occasioned by the offence;
  - (f) the need to deter others from committing a similar offence.
41. In this case, with respect to character, the Student admitted the offences and cooperated with the University. The Student further signed an undertaking to take certain academic success courses.

42. With respect to extenuating circumstances, the University acknowledges the difficult circumstances which were described by the Student's counsel. These are mitigating factors that should be considered.
43. The University also points to the evidence of previous offences.
44. With respect to the nature of the offence committed, any detriment to the University caused by the offence and the need to deter others from committing a similar offence, the University refers to the analysis in a similar fact pattern as described in the University of Toronto and M.T. (Case No. 1391, December 16, 2022) decision,. The relevant excerpt is as follows:

The Tribunal considered the principles and factors relevant to sanction as articulated in *University of Toronto and Mr. C.* (Case No. 176/77-3, November 5, 1976). The Tribunal determined that these factors supported the imposition of the JSP. In this regard, the Tribunal observed the following:

- a. *The nature of the offence and the detriment to the University occasioned by the offence.* The offence is serious in nature and causes great detriment to the University and its students. A number of Tribunal Decisions (*e.g. University of Toronto and Y.G.* (Case No. 802, September 28, 2015)) have observed that plagiarism corrodes academic integrity at the University and undermines the relationship of trust between the University and its students. For these reasons, plagiarism is considered in the cases to be a very serious offence that warrants a serious penalty. The plagiarism involved here was deliberate and extensive.
- b. *The need to deter others from committing a similar offence.* There is a strong need to deter others from committing a similar offence, for many of the reasons noted above. This type of offence poses a grave threat to the integrity of the University's processes for evaluating students, is profoundly unfair to other students, and jeopardizes the University's reputation.
- c. *The likelihood of a repetition of the offence.* The Student has committed plagiarism four times in total. The latter three of those offences formed the subject matter of this hearing. The first offence took place in February 2021 and resulted in the Student being issued a warning. The second and third offences took place in October 2021 and led to the Student meeting with both of the course professors in the month of November 2021. In December 2021, the Student committed the fourth offence. The Tribunal was concerned by the multiple instances of plagiarism. The Tribunal was also concerned that the second and third offences took place after

the Student had received a warning in respect of the first offence, and that the fourth offence took place the month after the Student met with the course professors in respect of the prior two offences. Although the Tribunal appreciates that the Student has voiced regret and remorse over her actions, the Tribunal does have some concern about possible future repetition. In the Tribunal's view, a significant period of suspension is therefore appropriate.

- d. *The character of the Student.* The Tribunal was concerned by the number of occasions of plagiarism and by their timing relative to one another and to the Student's receipt of a warning and meetings with her professors. However, the Tribunal also noted certain considerations that mitigated against a more severe penalty. The Student accepted responsibility for, and demonstrated insight into, her behaviour by pleading guilty early in the process, at the Dean's meeting in February 2022. She cooperated with the University's academic discipline process, including by attending the hearing before the Tribunal. Her affidavit evidence articulated her regret and remorse for her actions and indicated that she has been seeking help for her mental health issues through on-line resources.
  - e. *Extenuating circumstances.* At the time she committed the offences, the Student was experiencing personal difficulties due to the COVID pandemic, including mental health issues.
45. Lastly, the University asks the Panel to consider penalties that have been applied in previous cases. Previous cases reflect general trends which can guide the Tribunal in applying the relevant factors in an appropriate and consistent way.
46. Here, previous cases illustrate that a two-year suspension tends to occur for circumstances of unintentional misconduct or group work and is therefore not analogous to the circumstance before us.
47. A three-year suspension tends to occur for circumstances of one or two prior offences, with one or two concurrent offences but without circumstances of misrepresentation as occurred here. They are instead circumstances of general plagiarism or unattributed assistance and not an active attempt to conceal as occurred here.



48. A four-year suspension has been applied where there are both previous and concurrent offences such as occurred here, and which cause a concern that repetition is possible without a sufficiently deterrent punishment.
49. But penalties in previous cases also support the observation that a more serious penalty, including either a five-year suspension or an expulsion were available: see the University of Toronto and K.P. (Case No. 660, February 6, 2012) and the University of Toronto and O.E. (Case No. 923, August 30, 2017).
50. The Tribunal agrees with the joint submission regarding penalty on the basis of the mitigating circumstances which exist here in the evidence of early cooperation, remorse and the impact of the COVID pandemic.
51. Accordingly, the Tribunal finds that the Student is guilty of:
  - (a) two counts of plagiarism, contrary to section B.I.1(d) of the Code; and
  - (b) One count of knowingly engaging 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, contrary to section B.I.3(b) of the Code.
52. The following sanctions shall be imposed on the Student:
  - (a) A final grade of zero in LINC02H3S;
  - (b) A suspension from the University for a period of 4 years commencing on May 1, 2023; and

(c) A notation of the offence on the Student's academic record and transcript for a period of 5 years from the date of the University Tribunal's order.

53. The 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.

Dated at Toronto this 6<sup>th</sup> day of May, 2024

Original signed by:

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Cheryl Woodin, Chair  
On behalf of the Panel