

**THE UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION**

IN THE MATTER OF charges of academic dishonesty filed on July 24, 2013,

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters*, 1995,

AND IN THE MATTER OF the *University of Toronto Act*, 1971, S.O. 1971, c. 56 as amended S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

– AND –

R ■■■ C ■

REASONS FOR DECISION

Hearing Date: Wednesday September 18, 2013

Members of the Panel:

Ms. Sarah Kraicer, Barrister and Solicitor, Chair
Professor Bruno Magliocchetti, Department of Italian Studies, Faculty Panel Member
Ms. Fikir Haile, Student Panel Member

Appearances:

Mr. Robert Centa, Assistant Discipline Counsel, Paliare Roland Barristers
Ms. Danielle Muise, Legal Case Worker, Downtown Legal Services, on behalf of the Student

In Attendance:

Mr. R ■■■ C ■, Student
Mr. C ■, the Student's father
Professor Eleanor Irwin, Dean's Designate, University of Toronto Scarborough
Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances
Ms. Sinéad Cutt, Administrative Assistant, Appeals, Discipline and Faculty Grievances

1. The Trial Division of the University Tribunal was convened on September 18, 2013, to consider charges brought by the University of Toronto (the "University") against Mr. R■■■ C■■ (the "Student") under the *University of Toronto Code of Behaviour on Academic Matters, 1995* (the "Code").

The Charges

2. The Charges against the Student are as follows:

CSC C63 charges

1. On or about February 4, 2013, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in two discussion threads, which you initiated for academic credit in CSC C63, contrary to section B.I.1(d) of the *Code*.
2. On or about February 4, 2013, you knowingly possessed an unauthorized aid, or obtained unauthorized assistance, in connection with two discussion threads, which you initiated for academic credit in CSC C63, contrary to section B.I.1(b) of the *Code*.
3. On or about March 18, 2013, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in two discussion threads, which you initiated for academic credit in CSC C63, contrary to section B.I.1(d) of the *Code*.
4. On or about March 18, 2013, you knowingly possessed an unauthorized aid, or obtained unauthorized assistance, in connection with two discussion threads, which you initiated for academic credit in CSC C63, contrary to section B.I.1(b) of the *Code*.
5. In the alternative, on or about February 4 and March 18, 2013 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 discussion threads that you initiated for academic credit in CSC C63, contrary to section B.I.3(b) of the *Code*.

CSC D37 charges

6. On or about February 25, 2013, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in Assignment 2, which you submitted for academic credit in CSC D37, contrary to section B.I.1(d) of the *Code*.
7. On or about February 25, 2013, you knowingly possessed an unauthorized aid, or obtained unauthorized assistance, in connection with Assignment 2, which you submitted for academic credit in CSC D37, contrary to section B.I.1(b) of the *Code*.
8. In the alternative, on or about February 25, 2013 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 an assignment that you submitted for academic credit in CSC D37, contrary to section B.I.3(b) of the *Code*.

CSC C73 charges

9. On or about December 12, 2012, you knowingly possessed an unauthorized aid, or obtained unauthorized assistance in an examination in CSC C73, contrary to section B.I.1(b) of the *Code*.
10. In the alternative, on or about December 12, 2012, 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 an examination in CSC C73, contrary to section B.I.3(b) of the *Code*.

MAT C32 charges

11. On or about November 7, 2012, you knowingly possessed an unauthorized aid, or obtained unauthorized assistance during a term test in MAT C32, contrary to section B.I.1(b) of the *Code*.
12. In the alternative, on November 7, 2012, 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 a term test in MAT C32, contrary to section B.I.3(b) of the *Code*.

Agreed Statement of Facts and Plea

3. Discipline Counsel advised the Tribunal at the outset of the hearing that the University had entered into an Agreed Statement of Facts with the Student, which is attached as Appendix "A" to these Reasons for Decision. The Tribunal also received into evidence a Joint Book of Documents, on consent, containing documents referred to in the Agreed Statement of Facts.

4. Pursuant to the Agreed Statement of Facts, the Student pleaded guilty to all charges filed by the Provost. The University agreed that if the Tribunal convicts the Student on any of Charges 1-4, the Provost will withdraw charge 5. If it convicts on any of charges 6 or 7, the Provost will withdraw charge 8. If it convicts on charge 9, the Provost will withdraw charge 10. If it convicts on charge 11, the Provost will withdraw charge 12.

5. The facts underlying the charges are set out in the Agreed Statement of Facts and the Joint Book of Authorities and are summarized below:

A. MAT C32 - Charges 11 and 12

6. In Fall 2012, the Student enrolled in MAT C32 – Graph Theory and Algorithms for its Applications, which was taught by Professor Viktor Harangi ("C32"). The academic requirements for the course included a mid-term examination, which was worth 30% of the final grade.

7. The C32 mid-term examination was held on November 7, 2012. The examination was closed book and students were not permitted to bring calculators or any notes into the examination. Professor Harangi also made an announcement at the beginning of the class that no aids, such as notes, books, or calculators were permitted. He made it clear that only pens and pencils were permitted.

8. The Student attended the mid-term examination and handed in an examination booklet. The Student admits that he knew that he was not permitted to possess any notes, electronic devices, or other aids.

9. During the examination, Professor Harangi observed that the Student had a bundle of notes and a smart-phone in his possession. Professor Harangi told

the Student, on more than one occasion, to put the notes and the phone away and not to look at them. The Student admits that Professor Harangi did not confiscate the smart-phone or the lecture notes from him and that the Student was permitted to take the unauthorized aids with him when he left the exam room.

10. On November 22, 2012, the Student met with Professor Nick Cheng, the designate of the Chair of the Computer Science Department, to discuss the matter.

11. On December 5, 2012, Professor Eleanor Irwin, the Dean's Designate for academic integrity at the University of Toronto Scarborough, invited the Student to meet with her to discuss Professor Harangi's concerns regarding the possible academic offence in the mid-term examination. Her letter stated "I must point out that it is considered an offence to use or possess an unauthorized aid or aids or obtain unauthorized assistance in any academic examination or term test or in connection with any other form of academic work".

12. The Student admits that he brought lecture notes and other relevant material into the mid-term examination with him. The Student admits that he was warned about possessing and using the notes during the examination, and that he used this unauthorized material to answer questions on the mid-term examination.

13. The Student admits that he knowingly:

- (a) possessed and used an unauthorized aid and received unauthorized assistance in completing the mid-term examination; and
- (b) engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.I.1(b) of the Code.

B. CSC C73 – Charges 9 and 10

14. In Fall 2012, the Student enrolled in CSC C73 – Computability and Computational Complexity, which was taught by Professor Mike Molloy ("C73").

15. The academic requirements for C73 included a final examination, which was worth 45% of the final grade in C73.

16. To assist students to prepare for the examination, Professor Molloy posted online the exam questions and solutions to the 2009 exam ("2009 Answers").
17. The C73 final examination was held on December 12, 2012, which was one week after the date Professor Irwin sent the Student the letter about the alleged offence in the MAT C32. The examination was closed book and students were not permitted to bring calculators or any notes into the examination.
18. The Student attended the C73 final examination and submitted an answer booklet. The Student admits that he knew that he was not permitted to possess any notes, electronic devices, or other aids during the final examination.
19. Professor Molloy did not notice anything unusual during the examination, but when he marked the Student's exam, he noticed that three of the Student's solutions were copied almost verbatim from the 2009 Answers. Professor Molloy concluded that must have had access to the 2009 Answers during the examination and used the 2009 Answers to complete his examination.
20. On December 19, 2012, Professor Molloy met with the Student to discuss the matter.
21. On January 30, 2013, Professor Wayne Dowler, the Dean's designate for academic integrity at the University of Toronto Scarborough wrote to the Student to invite him to discuss the allegation that he had committed an academic offence in C73.
22. The Student admits that he brought a copy of the 2009 Exam and Solutions into the C73 final examination with him. He admits that he copied from the 2009 Exam when completing his examination answers and that
 - (a) his answer to question 2 was copied from the solution to question 4 on the 2009 exam;
 - (b) his answer to question 3 was copied from the solution to question 3 on the 2009 exam; and
 - (c) his answer to question 6b was copied from the solution to question 6d on the 2009 exam.

23. The Student admits that he knowingly:
- (a) possessed and used an unauthorized aid and received unauthorized assistance in completing the final examination; and
 - (b) engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.I.1(b) of the *Code*.

C. CSC C63 – Charges 1 to 5

24. In Winter 2013, the Student enrolled in CSCC63 – Computability and Computational Complexity, which was taught by Professor Nick Cheng (“C63”).
25. The course outline, which was available on-line, was linked to a specific page warning the students about plagiarism and how to avoid committing plagiarism and other academic offences in computer science courses. That page stated as follows:

Plagiarism - Computer Science, UTSC

Plagiarism is a kind of fraud: passing off someone else's work or ideas as your own in order to get a higher mark. Plagiarism is treated very seriously. The assignments you hand in must be your own and must not contain anyone else's ideas. Refer to the section on Code of Behavior on Academic Matters in the Calendar for a more detailed description of plagiarism.

Guidelines for avoiding plagiarism

You may discuss assignments with friends and classmates, but only up to a point: You may discuss and compare general approaches, but you must not leave such discussions with any recorded material. You must not look at someone else's solution to an assignment on paper or on the computer screen, even in draft form. The actual coding of your programs, analysis of results, and writing of reports must be done individually.

If you do talk with anyone about an assignment, then you must state this in your assignment and state the extent of your discussion. Also, if you make use of other resources such as books or webpages, then you must state this in your assignment and paraphrase the solution in a way that shows you actually understand the material.

Note that it is also a serious offense to help someone commit plagiarism. Do not lend your printouts, reports or memory sticks, and do not let others copy or read them. To protect yourself against people copying your work without your

knowledge, retain all of your old printouts and draft notes until the assignments have been graded and returned to you. If you suspect that someone has stolen a printout or memory stick, contact your instructor immediately.

To help you avoid committing plagiarism, here are some rules that you must follow.

After any discussion about an assignment, you must immediately destroy all notes from such discussions and you must wait at least one hour before going back to the work you discussed.

Never discuss an assignment with anyone if he/she is going to leave with recorded notes or is going to return to his/her work without spending an hour doing something other than the work you just discussed.

Never show anyone (other than your instructor or tutor) anything, even in draft form, that you intend to submit as your own work.

Never let anyone show you anything, even in draft form, that he/she is likely to submit as his/her own work.

If you make use of material from a source other than your current course texts and notes (for examples, books, journals, webpages, solutions to assignments from past or concurrent offerings of a course), then you must do the following.

You must make appropriate reference to the source of what you use.

After consulting such sources, you must wait at least one hour before writing out your solution on your own.

The first point helps you to avoid committing plagiarism. The second point helps you to avoid getting zero for your work. After all, when we read the work you submit, it must be clear that it is your work and yours alone, and that you fully understand it.

26. The academic requirements for C63 included:
 - (a) Online Discussion #1, which was worth 7.5% of the final grade; and
 - (b) Online Discussion #2, which was worth 7.5% of the final grade.
27. For each discussion, each student was expected to initiate two discussion threads by asking two questions. Each student was also required to answer two questions posed by other students. The discussion took place online in the Blackboard academic portal. Prior to 2012, the discussions took place on the University of Toronto Scarborough intranet site.

28. The course outline contained a specific warning that students' contributions to the Online Discussions must be their own work and must adhere to the plagiarism policy, which is reproduced above. The syllabus stated:

Note #3: Each discussion will have multiple threads, and will be led by the TA and the instructor on the [Blackboard-portal](#) (html). For these discussions, we're looking for you to demonstrate your grasp (and learning) of relevant course material. In grading your work, we'll be looking for breadth as well as depth, and quality will be at least as important as quantity. If you're unable to solve a particular problem or present a correct solution, you may still show your knowledge by making suggestions as to how an answer could be obtained. Sometimes this is what "real" theoretical computer scientists do when they hold discussions. As with any work submitted for academic credit, your submissions to these discussions must be your own work. You must adhere to the policy on plagiarism (see below). [emphasis added]

29. Professor Cheng provided instruction sheets for the Online Discussions, which included the topics to be discussed online and how to initiate the two "language threads" on or before the relevant deadlines.
30. On February 4, 2013, the Student initiated two discussion threads as part of Online Discussion 1. On March 18, 2013, he initiated three more discussions as part of Online Discussion 2.
31. Except for some minor and inconsequential changes, the five discussion threads initiated by the Student are identical to five discussion threads initiated by other students during the previous year ("Original Discussion Threads").
32. On March 25, 2013, the Student met with Professor Cheng to discuss the discussion threads.
33. The Student admits that he knowingly:
- (a) included verbatim and nearly verbatim excerpts from the Original Discussion Threads in the discussion threads that he initiated;
 - (b) failed to attribute the verbatim and nearly verbatim excerpts from the Original Discussion Threads or to indicate in any way that his discussion threads they were based on the Original Discussion Threads;
 - (c) represented the ideas and work of others as his own;

- (d) did no meaningful academic work on the discussion threads that he submitted;
- (e) committed plagiarism contrary to section B.I.1(d) of the *Code*;
- (f) received unauthorized assistance from the Original Discussion Threads; and
- (g) engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.I.1(b) of the *Code*.

D. CSC D37H – Charges 6 to 8

- 34. In Winter 2013, the Student enrolled in CSC D37H – Analysis of Numerical Algorithms for Computational Mathematics, which was taught by Professor Wayne Enright (“D37”).
- 35. The academic requirements for D37 included an assignment that was worth 10% of the final grade in the course (“Assignment 2”).
- 36. Professor Enright prepared a handwritten set of answers and a marking scheme for Assignment 2 (“Enright Answers”). Professor Enright gave a copy of the Enright Answers to Professor Nick Cheng, the teaching assistant in D37, so that he could mark the students’ submissions in response to Assignment 2.
- 37. Professor Enright had used Assignment 2 in a previous year. At that time, he also prepared a handwritten set of answers to Assignment 2. He now recalls that he may have circulated the set of answers to students in the class to assist them to understand the correct answers to the questions. The answer sheet he prepared in that previous years would have been essentially identical to the Enright Answers.
- 38. On or about February 25, 2013, The Student submitted his answers to the questions contained in Assignment 2.
- 39. When Professor Cheng marked the Student’s assignment, he noticed that it was very similar to the Enright Answers including the symbols used and the diagram that was drawn. Professor Cheng concluded that this similarity was highly unusual and that no other assignment was so similar to the Enright Answers.

40. On March 14, 2013, the Student met with Professor Cheng to discuss the matter.
41. The Student states that he found a copy of Professor Enright's answer guide from the prior year posted on the Internet. He admits that he knew he should not have accessed that answer guide and that he was not permitted to use it to complete his assignment. He knew that copying portions of the answer guide into his assignment was not permitted.
42. With respect to this Assignment, the Student admits that he knowingly:
 - (a) included verbatim and nearly verbatim excerpts from the answer sheet prepared by Professor Enright;
 - (b) failed to indicate in any way that his Solutions were based on the answer sheet prepared by Professor Enright;
 - (c) represented the ideas and work of the course instructor as his own;
 - (d) committed plagiarism contrary to section B.I.1(d) of the *Code*;
 - (e) obtained unauthorized assistance from the answer sheet prepared by Professor Enright; and
 - (f) engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.I.1(b) of the *Code*.

E. The meeting with the Dean's Designate

43. On April 17, 2013, the Student met with Professor Irwin, Dean's designate for academic integrity at the University of Toronto Scarborough. The Student admits that Professor Irwin provided the warning that was required to be given to him under the *Code*.
44. During that meeting, The Student admitted that he committed the academic offences described above.

Decision on Charges

45. The Student pleaded guilty to all charges. He acknowledged in the Agreed Statement of Facts that the Provost had advised him of his right to obtain legal counsel, that he had obtained legal advice, that he was

- signing the Agreed Statement of Facts freely and voluntarily, knowing of the potential consequences he faced and having consulted with legal counsel, and that the Provost had made no representations to him about what penalty the Provost would be seeking.
46. At the hearing, the Student was present and was represented by a law student. The law student representative advised the Tribunal that the Student entered a plea of guilty on all charges. The Tribunal is satisfied that the plea is informed, free and voluntary.
 47. After reviewing the facts contained in the Agreed Statement of Facts and Book of Documents, the Tribunal deliberated and determined that the facts demonstrated that the Charges 1,2,3,4,6,7,9 and 11 to which the Student had entered a plea of guilty were proven.
 48. The Tribunal accepted the guilty pleas in respect of those charges, and found the Student guilty of three counts of the academic offence of plagiarism contrary to section B.I.1(d) of the Code in respect of Charges 1,3,and 6, and five counts of the academic offence of receiving unauthorized assistance contrary to section B.i.1(b) of the Code of Behaviour on Academic Matters in respect of charges 2,4,7,9, and 11;.
 49. The remaining charges 5,8,10 and 12 were withdrawn by the University. The Tribunal therefore makes no finding with respect to charges 5,8,10 and 12.

Sanction

50. The University and the Student submitted a further Agreed Statement of Facts and Joint Submission on Penalty to the Tribunal, which is attached to these Reasons for Decision as Appendix "B".
51. The further facts relevant to penalty are as follows:
 - (a) The Student admits that he has been sanctioned for academic misconduct on one prior occasion.
 - (b) In Winter 2010, the Student enrolled in MAT A37, which was taught by Professor Michael Goldstein. The Student admitted that he possessed an unauthorized aid during the final exam in the course, which was worth 45% of the final grade. The Dean's Designate for Academic Integrity imposed a grade of zero on the examination.

The letter from the Dean's Designate to the Student dated June 16, 2010 stated, "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."

52. The Provost and the Student have agreed in a Joint Submission on Penalty that the appropriate penalty in all the circumstances of this case is that:
- (a) a final grade of zero be assigned for each of:
 - (i) MAT C32,
 - (ii) CSC C73,
 - (iii) CSC C63, and
 - (iv) CSC D37;
 - (b) The Student be immediately suspended from the University from the date of the Tribunal's order until August 30, 2018, and that a corresponding notation be placed on his academic record and transcript for 5 years.
 - (c) the Tribunal should report this case to the Provost who may publish a notice of the decision of the Tribunal and the sanctions imposed, with the Student's name withheld.
53. In oral submissions, Discipline Counsel highlighted the fact that the Student has been found to have committed misconduct in 5 courses at the University in numerous assignments ranging from class assignments to final examinations. The misconduct took place over the course of two separate semesters. Some of the misconduct occurred after the Student had interactions with the Dean's office regarding misconduct in the Fall term of 2012. The student has a history of prior discipline for misconduct. On the other hand, Discipline Counsel noted that the Student cooperated during his meetings with the Dean's Designate, has cooperated throughout these proceedings, and has demonstrated some insight and remorse in so doing. Discipline counsel submitted that in all the circumstances, a 5 year suspension and other penalties in the Joint Submission addressed the need for general and specific deterrence for the serious misconduct, while affording the Student an opportunity to

rehabilitate his relationship with the University at the conclusion of the lengthy suspension period. He argued that this penalty is consistent with other penalties of this Tribunal in similar circumstances.

54. The Student's representative highlighted several circumstances as mitigating or extenuating in her submissions in support of the Joint Submission on Penalty. She stated that the Student had an undiagnosed medical condition, and a potential mental health condition, that might have affected his studies and his conduct during the relevant period. She presented a letter to the Panel members from the Student in this regard, which is attached as Appendix C. In the letter, the Student provides information about physical symptoms and a possible mental health condition that made it difficult to concentrate, made him concerned about his ability to maintain his grades, and led him to make "some terrible choices about how to go about my work". The Student stated in the letter that his struggles with his health do not excuse his behaviour over the past year, but hoped that they might help to explain why he made the poor choices he did.

Decision of the Tribunal on Sanction

55. The Tribunal is mindful that a high threshold must be met for the Tribunal to reject a joint submission on penalty. Only where the Tribunal is of the view that accepting the joint submission would bring the administration of justice into disrepute should the Tribunal reject it. With this threshold in mind, the Tribunal considered the factors set out in the decision of *University of Toronto v. C.* Dated November 5, 1976 at p. 12 (file 1976/77-3) and previous case law of this Tribunal in assessing the appropriateness of the proposed penalty.
56. The offences in this case are very serious acts of academic misconduct in 4 different courses: using unauthorized aids and plagiarism. The misconduct regarding the use of unauthorized aids was brazen and repeated. The Student brought lecture notes and other unauthorized material into a mid-term examination in November 2012, and used them during the midterm despite being told by the invigilating professor to put them away. Even though he then had interactions with the Chair's designate and Dean's office regarding that misconduct, in December 2012 he again brought and used an unauthorized aid into a final examination in a different course. Moreover, the Student committed this misconduct

despite having been previously disciplined in 2010 for using an unauthorized aid in an examination.

57. The misconduct regarding plagiarism was also serious: he plagiarized the previous year's work of other students and presented it as his own original work, and he plagiarized the answer sheet prepared by his course professor which he found on the Internet and presented the answers as his own. The nature of this misconduct undermines the necessary relationship of honesty and trust between the student and the University, and fundamentally threatens the integrity of the academic program and the grades issued by the University.
58. As the Student has committed misconduct in 5 courses (the four subject to these charges, and the one prior misconduct), and has repeated similar acts of misconduct despite receiving warnings and being subject to disciplinary action, the Tribunal has a real concern that the student is likely to continue the pattern of misconduct should he continue to be a student at the University.
59. On the other hand, the Student has cooperated with the University in this proceeding, and appeared and participated before the Tribunal. The Tribunal has carefully considered the Student's letter and has concluded that while it is a genuine expression of remorse and demonstrates a degree of insight, the information it provides does not excuse the Student's misconduct, as the letter itself acknowledges. While the Tribunal sympathizes with any health difficulties the Student may have, the information provided as to the nature and timing of those possible difficulties is insufficient to indicate that they should be considered mitigating circumstances for the misconduct at issue in this proceeding.
60. We agree that the proposed penalty in the Joint Submission is consistent with previous decisions of the Tribunal in similar circumstances where students have been disciplined for multiple acts of serious misconduct over a period of time following an earlier disciplinary history. In *University of Toronto and the Student* (Case 481; October 12, 2007), the Student pled guilty to 6 charges of plagiarism-related misconduct, and had previously been disciplined for one prior plagiarism offence. The Student appeared and cooperated with the University. Tribunal accepted a joint submission for a penalty of a 5 year suspension with a 7 year transcript notation, and grades of zero for the five courses in which the plagiarism

had taken place. In *University of Toronto v. A* (Case 629; February 29, 2012) the student was found guilty of 1 charge of plagiarism-related misconduct, and had previously been disciplined for 3 plagiarism offences. The Student did not attend the hearing and did not cooperate with the University. The Tribunal imposed a 5 year suspension, a 7 year transcript notation, and a grade of zero for the course. In *University of Toronto v. W* (Case 625; February 13, 2013), the student pled guilty to plagiarism-related offences in 2 courses, and had previously been disciplined for 2 other academic misconduct offences. The Tribunal took into account the fact that the student had been absent from the University by his own decision for over one year in imposing a penalty of a four year suspension, a six year transcript annotation, and a grade of zero in the two courses in question.

61. The Tribunal in this case has considered the relevant factors and the case law and accepts the recommendation for the sanctions set out in the Joint Submission on Penalty: a grade of zero in the four courses in which the misconduct arose, a five year suspension from the University, a five year transcript notation of the suspension, and publication of the notice of the decision with the name of the student withheld. In our view, the sanctions set out in the Joint Submission on Penalty are appropriate and reasonable in the circumstances of this case, and accepting the recommended penalty does not bring the administration of justice into disrepute.

Order

62. The Tribunal issued the following Order on September 18, 2013:

1. THAT Mr. C is found guilty of:

- (a) three counts of the academic offence of plagiarism contrary to section B.I.1(d) of the Code of Behaviour on Academic Matters ("Code"); and
- (b) five counts of the academic offence of receiving unauthorized assistance contrary to section B.I.1(b) of the Code;

2. THAT the following sanctions shall be imposed on Mr. C:

- (c) he shall receive a final grade of zero in each of the courses CSC C63, CSC D37, CSC C73, and MAT C32;

- (d) he shall be suspended from the University from the date of this order until August 30, 2018; and
- (e) that a notation be placed on his academic record and transcript until August 30, 2018;

3. THAT this case shall be reported to the Provost for publication of a notice of the Tribunal's decision and the sanctions imposed, with the name of the student withheld.

Dated at Toronto, this 12 day of December, 2013



Sarah T. Kraicer, Co-Chair

APPENDIX A

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on July 24, 2013

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters*, 1995,

AND IN THE MATTER OF the *University of Toronto Act*, 1971, S.O. 1971, c. 56, as amended.

BETWEEN:

THE UNIVERSITY OF TORONTO

**THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO
AND**

- and -

This Exhibit is produced by

F C ()

University

this

18 day of September, 2013

AGREED STATEMENT OF FACTS

Sinead Wu

1. This hearing arises out of charges of academic misconduct filed by the Provost of the University of Toronto (the "Provost") under the *Code of Behaviour on Academic Matters* ("Code"). For the purpose of this hearing, the Provost and **R C** ("Mr. C") have prepared this Agreed Statement of Facts ("ASF") and joint book of documents ("JBD"). The Provost and Mr. C agree that:
 - (a) each document contained in the JBD may be admitted into evidence at the Tribunal for all purposes, including for the truth of the document's contents, without further need to prove the document; and
 - (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

2. Mr. C ■ admits that he received a copy of the charges filed by the Provost. The charges are included in the JBD at Tab 1.
3. Mr. C ■ admits that he received the notice of hearing for September 18, 2013, which is included in the JBD at Tab 2. He acknowledges that he received reasonable notice of the hearing.
4. Mr. C ■ waives the reading of the charges filed against him and pleads guilty to all charges. The Provost agrees that if the Tribunal convicts Mr. C ■:
 - (a) on any of charges 1 to 4, the Provost will withdraw charge 5;
 - (b) on any of charges 6 or 7, the Provost will withdraw charge 8;
 - (c) on charge 9, the Provost will withdraw charge 10; and
 - (d) on charge 11, the Provost will withdraw charge 12.
5. A copy of Mr. C ■s academic record dated August 12, 2013, is included in the JBD at Tab 3.

A. MAT C32 - Charges 11 and 12

6. In Fall 2012, Mr. C ■ enrolled in MAT C32 – Graph Theory and Algorithms for its Applications, which was taught by Victor Harangi (“C32”). A copy of the course outline for C32 is included in the JBD at Tab 4. The academic requirements for the course included a mid-term examination, which was worth 30% of the final grade in C32.
7. The C32 mid-term examination was held on November 7, 2012. A copy of the mid-term examination is included in the JBD at Tab 5.

8. The examination was closed book and students were not permitted to bring calculators or any notes into the examination. Prof. Harangi also made an announcement at the beginning of the class that no aids, such as notes, books, or calculators were permitted. He made it clear that only pens and pencils were permitted.
9. Mr. C█ attended the mid-term examination and handed in an examination booklet. A copy of Mr. C█'s mid-term examination booklet is included in the JBD at Tab 6. Mr. C█ admits that he knew that he was not permitted to possess any notes, electronic devices, or other aids.
10. During the examination, Prof. Harangi observed that Mr. C█ had a bundle of notes and a smart-phone in his possession. Prof. Harangi told Mr. C█, on more than one occasion, to put the notes and the phone away and not to look at them. Mr. C█ admits that Prof. Harangi did not confiscate the smart-phone or the lecture notes from him and that Mr. C█ was permitted to take the unauthorized aids with him when he left the exam room.
11. On November 22, 2012, Mr. C█ met with Nick Cheng, the designate of the Chair of the Computer Science Department, to discuss the matter.
12. On December 5, 2012, Professor Eleanor Irwin, the Dean's Designate for academic integrity at the University of Toronto Scarborough, invited Mr. C█ to meet with her to discuss Prof. Harangi's concerns regarding the possible academic offence in the mid-term examination. A copy of this letter is included in the JBD at Tab 7.
13. Mr. C█ admits that he brought lecture notes and other relevant material into the mid-term examination with him. Mr. C█ admits that he was warned about possessing and using the notes during the examination, and that he used this unauthorized material to answer questions on the mid-term examination.

14. Mr. C█ admits that he knowingly:
- (a) possessed and used an unauthorized aid and received unauthorized assistance in completing the mid-term examination; and
 - (b) engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.I.1(b) of the *Code*.

B. CSC C73 – Charges 9 and 10

15. In Fall 2012, Mr. C█ enrolled in CSC C73 – Computability and Computational Complexity, which was taught by Mike Molloy (“C73”). A copy of the course outline in C73 is included in the JBD at Tab 8.
16. The academic requirements for C73 included a final examination, which was worth 45% of the final grade in C73.
17. To assist students to prepare for the examination, Prof. Molloy posted online the exam questions and solutions to the 2009 exam (“2009 Answers”). A copy of the 2009 Answers is included in the JBD at Tab 9.
18. The C73 final examination was held on December 12, 2012, which was one week after the date Prof. Irwin sent Mr. C█ the letter about the alleged offence in the MAT C32. The examination was closed book and students were not permitted to bring calculators or any notes into the examination.
19. Mr. C█ attended the C73 final examination and submitted an answer booklet. A copy of Mr. C█’s examination booklet is included in the JBD at Tab 10. Mr. C█ admits that he

knew that he was not permitted to possess any notes, electronic devices, or other aids during the final examination.

20. Prof. Molloy did not notice anything unusual during the examination, but when he marked Mr. C's exam, he noticed that three of Mr. C's solutions were copied almost verbatim from the 2009 Answers. Prof. Molloy concluded that Mr. C must have had access to the 2009 Answers during the examination and used the 2009 Answers to complete his examination.
21. On December 19, 2012, Prof. Molloy met with Mr. C to discuss the matter.
22. On January 30, 2013, Prof. Wayne Dowler, the Dean's designate for academic integrity at the University of Toronto Scarborough wrote to Mr. C to invite him to discuss the allegation that he had committed an academic offence in C73. A copy of this letter is included in the JBD at Tab 11.
23. Mr. C admits that he brought a copy of the 2009 Exam and Solutions into the C73 final examination with him. He admits that he copied from the 2009 Exam when completing his examination answers and that
 - (a) his answer to question 2 was copied from the solution to question 4 on the 2009 exam;
 - (b) his answer to question 3 was copied from the solution to question 3 on the 2009 exam; and
 - (c) his answer to question 6b was copied from the solution to question 6d on the 2009 exam.
24. Mr. C admits that he knowingly:

- (a) possessed and used an unauthorized aid and received unauthorized assistance in completing the final examination; and
- (b) engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.I.1(b) of the *Code*.

C. CSC C63 – Charges 1 to 5

- 25. In Winter 2013, Mr. O■ enrolled in CSCC63 – Computability and Computational Complexity, which was taught by Nick Cheng (“C63”). A copy of the course outline in C63 is included in the JBD at Tab 12.
- 26. The course outline, which was available on-line, was linked to a specific page warning the students about plagiarism and how to avoid committing plagiarism and other academic offences in computer science courses. That page, which is included in the JBD at Tab 13, stated as follows:

Plagiarism - Computer Science, UTSC

Plagiarism is a kind of fraud: passing off someone else's work or ideas as your own in order to get a higher mark. Plagiarism is treated very seriously. The assignments you hand in must be your own and must not contain anyone else's ideas. Refer to the section on Code of Behavior on Academic Matters in the Calendar for a more detailed description of plagiarism.

Guidelines for avoiding plagiarism

You may discuss assignments with friends and classmates, but only up to a point: You may discuss and compare general approaches, but you must not leave such discussions with any recorded material. You must not look at someone else's solution to an assignment on paper or on the computer screen, even in draft form. The actual coding of your programs, analysis of results, and writing of reports must be done individually.

If you do talk with anyone about an assignment, then you must state this in your assignment and state the extent of your discussion. Also, if you make use of other resources such as books or webpages, then you must state this in your assignment and paraphrase the solution in a way that shows you actually understand the material.

Note that it is also a serious offense to help someone commit plagiarism. Do not lend your printouts, reports or memory sticks, and do not let others copy or read them. To protect yourself against people copying your work without your knowledge, retain all of your old printouts and draft notes until the assignments have been graded and returned to you. If you suspect that someone has stolen a printout or memory stick, contact your instructor immediately.

To help you avoid committing plagiarism, here are some rules that you must follow.

After any discussion about an assignment, you must immediately destroy all notes from such discussions and you must wait at least one hour before going back to the work you discussed.

Never discuss an assignment with anyone if he/she is going to leave with recorded notes or is going to return to his/her work without spending an hour doing something other than the work you just discussed.

Never show anyone (other than your instructor or tutor) anything, even in draft form, that you intend to submit as your own work.

Never let anyone show you anything, even in draft form, that he/she is likely to submit as his/her own work.

If you make use of material from a source other than your current course texts and notes (for examples, books, journals, webpages, solutions to assignments from past or concurrent offerings of a course), then you must do the following.

You must make appropriate reference to the source of what you use.

After consulting such sources, you must wait at least one hour before writing out your solution on your own.

The first point helps you to avoid committing plagiarism. The second point helps you to avoid getting zero for your work. After all, when we read the work you submit, it must be clear that it is your work and yours alone, and that you fully understand it.

27. The academic requirements for C63 included:
 - (a) Online Discussion #1, which was worth 7.5% of the final grade; and
 - (b) Online Discussion #2, which was worth 7.5% of the final grade.
28. For each discussion, each student was expected to initiate two discussion threads by asking two questions. Each student was also required to answer two questions posed by other students. The discussion took place online in the Blackboard academic portal. Prior to 2012, the discussions took place on the University of Toronto Scarborough intranet site.

29. The course outline contained a specific warning that students' contributions to the Online Discussions must be their own work and must adhere to the plagiarism policy, which is reproduced above. The syllabus stated:

Note #3: Each discussion will have multiple threads, and will be led by the TA and the instructor on the Blackboard-portal (html). For these discussions, we're looking for you to demonstrate your grasp (and learning) of relevant course material. In grading your work, we'll be looking for breadth as well as depth, and quality will be at least as important as quantity. If you're unable to solve a particular problem or present a correct solution, you may still show your knowledge by making suggestions as to how an answer could be obtained. Sometimes this is what "real" theoretical computer scientists do when they hold discussions. As with any work submitted for academic credit, your submissions to these discussions must be your own work. You must adhere to the policy on plagiarism (see below). [emphasis added]

30. Prof. Cheng provided instruction sheets for the Online Discussions, which included the topics to be discussed online and how to initiate the two "language threads" on or before the relevant deadlines. A copy of the instruction sheet for each Online Discussion is included in the JBD at Tab 14.
31. On February 4, 2013, Mr. C ■ initiated two discussion threads as part of Online Discussion 1. On March 18, 2013, he initiated three more discussions as part of Online Discussion 2.
32. Except for some minor and inconsequential changes, the five discussion threads initiated by Mr. C ■ are identical to five discussion threads initiated by other students during the previous year ("Original Discussion Threads"). Copies of all five of Mr. C ■'s discussion threads and the Original Discussion Threads are included in the JBD at Tab 15.
33. On March 25, 2013, Mr. C ■ met with Prof. Cheng to discuss the discussion threads.
34. Mr. C ■ admits that he knowingly:

- (a) included verbatim and nearly verbatim excerpts from the Original Discussion Threads in the discussion threads that he initiated;
- (b) failed to attribute the verbatim and nearly verbatim excerpts from the Original Discussion Threads or to indicate in any way that his discussion threads they were based on the Original Discussion Threads;
- (c) represented the ideas and work of others as his own;
- (d) did no meaningful academic work on the discussion threads that he submitted;
- (e) committed plagiarism contrary to section B.I.1(d) of the *Code*;
- (f) received unauthorized assistance from the Original Discussion Threads; and
- (g) engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.I.1(b) of the *Code*.

D. CSC D37H – Charges 6 to 8

- 35. In Winter 2013, Mr. C■ enrolled in CSC D37H – Analysis of Numerical Algorithms for Computational Mathematics, which was taught by Wayne Enright (“D37”). A copy of the course outline in D37 is included in the JBD at Tab 16.
- 36. The academic requirements for D37 included an assignment that was worth 10% of the final grade in the course (“Assignment 2”). A copy of Assignment 2 is included in the JBD at Tab 17.

37. Prof. Enright prepared a handwritten set of answers and a marking scheme for Assignment 2 ("Enright Answers"). A copy of the Enright Answers is included in the JBD at Tab 18. Prof. Enright gave a copy of the Enright Answers to Nick Cheng, the teaching assistant in D37, so that he could mark the students' submissions in response to Assignment 2.
38. Prof. Enright had used Assignment 2 in a previous year. At that time, he also prepared a handwritten set of answers to Assignment 2. He now recalls that he may have circulated the set of answers to students in the class to assist them to understand the correct answers to the questions. The answer sheet he prepared in that previous years would have been essentially identical to the Enright Answers.
39. On or about February 25, 2013, Mr. C█ submitted his answers to the questions contained in Assignment 2 ("C█ Assignment"). A copy of the C█ Assignment is included in the JBD at Tab 19.
40. When Mr. Cheng marked the C█ Assignment, he noticed that it was very similar to the Enright Answers including the symbols used and the diagram that was drawn. Mr. Cheng concluded that this similarity was highly unusual and that no other assignment was so similar to the Enright Answers.
41. On March 14, 2013, Mr. C█ met with Prof. Cheng to discuss the matter.
42. Mr. C█ states that he found a copy of Prof. Enright's answer guide from the prior year posted on the Internet. He admits that he knew he should not have accessed that answer guide and that he was not permitted to use it to complete the C█ Assignment. He knew that copying portions of the answer guide into the C█ Assignment was not permitted.

43. With respect to the C ■ Assignment, Mr. C ■ admits that he knowingly:
- (a) included verbatim and nearly verbatim excerpts from the answer sheet prepared by Prof. Enright;
 - (b) failed to indicate in any way that his Solutions were based on the answer sheet prepared by Prof. Enright;
 - (c) represented the ideas and work of the course instructor as his own;
 - (d) committed plagiarism contrary to section B.I.1(d) of the *Code*;
 - (e) obtained unauthorized assistance from the answer sheet prepared by Prof. Enright; and
 - (f) engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.I.1(b) of the *Code*.

E. The meeting with the Dean's Designate

44. On April 17, 2013, Mr. C ■ met with Prof. Irwin, Dean's designate for academic integrity at the University of Toronto Scarborough. Mr. C ■ admits that Prof. Irwin provided the warning that was required to be given to him under the *Code*.
45. During that meeting, Mr. C ■ admitted that he committed the academic offences described above. A copy of the letter sent to Mr. C ■ by Prof. Irwin on May 8, 2013, is included in the JBD at Tab 20. Mr. C ■ admits that the letter accurately summarizes what took place during his meeting with Prof. Irwin.

F. Acknowledgments

46. Mr. C ■ acknowledges that:

- (a) the Provost has advised Mr. C ■ of his right to obtain legal counsel and that Mr. C ■ has obtained legal advice; and
- (b) he is signing this ASF freely and voluntarily, knowing of the potential consequences he faces, and having consulted with legal counsel; and
- (c) that the Provost has made no representations to Mr. C ■ regarding what penalty the Provost may ask the Tribunal to impose in the circumstances of this case.

Signed on August 23 , 2013

R ■ C ■

Signed on August 26, 2013



Robert A. Centa
Assistant Discipline Counsel
University of Toronto

APPENDIX B

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on July 24, 2013,

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters*, 1995,

AND IN THE MATTER OF the *University of Toronto Act*, 1971, S.O. 1971, c. 56, as amended,

BETWEEN:

THE UNIVERSITY OF TORONTO

- and -

R [REDACTED] C [REDACTED] ([REDACTED])

JOINT SUBMISSION ON PENALTY

1. This hearing arises out of charges of academic misconduct filed by the Provost of the University of Toronto (the "Provost") under the *Code of Behaviour on Academic Matters* ("Code"). For the purpose of the penalty phase of this hearing, the Provost and R [REDACTED] C [REDACTED] ("Mr. C [REDACTED]") have prepared this Joint Submission on Penalty ("JSP") and have attached several documents to this JSP. The Provost and Mr. C [REDACTED] agree that:

- a. each document attached to the JSP may be admitted into evidence at the Tribunal for all purposes, including for the truth of the document's contents, without further need to prove the document; and

NO. 3 b. If a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO

AND

.....
This Exhibit is produced by
the University
this 18 day of September, 2013.
Sinead (ut)

2. Mr. C ■ admits that he has been sanctioned for academic misconduct on one prior occasion.

3. In Winter 2010, he enrolled in MAT A37, which was taught by Prof. Michael Goldstein. Mr. C ■ admitted that he possessed an unauthorized aid during the final exam in the course, which was worth 45% of the final grade. The Dean's Designate for Academic Integrity imposed a grade of zero on the examination. The parties have attached a copy of the decision letter from the Dean's Designate, dated June 16, 2010, to this JSP at Tab 1.

4. The Provost and Mr. C ■ submit to the Tribunal that the appropriate penalty in all the circumstances of this case is that:

a. a final grade of zero be assigned for each of:

i. MAT C32;

ii. CSC C73;

iii. CSC C63; and

iv. CSC D37;

b. Mr. C ■ be immediately suspended from the University from the date of the Tribunal's order until August 30, 2018, and that a corresponding notation be placed on his academic record and transcript for 5 years.

5. The Provost and Mr. C ■ submit that the Tribunal should report this case to the Provost who may publish a notice of the decision of the Tribunal and the sanctions imposed, with the student's name withheld.

6. Mr. [REDACTED] acknowledges that the Provost has advised him to obtain independent legal advice before signing this Joint Submission on Penalty and that he has done so.

Signed in Toronto on September 12, 2013.

[REDACTED]

F [REDACTED] C [REDACTED]

Signed in Toronto on September 17, 2013.



Robert A. Centa
Assistant Discipline Counsel
University of Toronto

APPENDIX C

September 18, 2013

Dear Panel Members,

Thank you for allowing me to present to you some of the health troubles that I have been going through over the past year. I submit this statement to you in support of the Joint Submission on Penalty that will be presented to you at my sanction hearing on September 18, 2013, by Mr. Centa and Ms. Muise.

Towards the middle of the Fall 2012 Term I began to suffer from symptoms of stomach and throat pain. My condition slowly worsened, and I found it very difficult to concentrate and felt that my studies were suffering as a result. I became incredibly overwhelmed and concerned about my ability to maintain my grades, and as a result, I made some terrible choices about how to go about my academic work.

I was unable to find the time to go to a medical specialist until after my final exams in the spring of 2013, as I was trying, albeit unsuccessfully, to focus on my studies. My condition was finally diagnosed on July 15, 2013 as chronic gastritis with a bacterial infection.

I have included with this statement a copy of a letter from my family physician, Dr. Chongen Liu, which confirms my diagnosis, and my symptoms. Dr. Liu confirms that I had been suffering from these symptoms for at least several months, and states that the symptoms of my undiagnosed condition affected my concentration and ability to focus on my studies.

Dr. Liu's letter also refers to the likelihood that I have anxiety and/or depression, and that my mental health is currently under assessment. I believe that it is likely that I have been dealing with some mental health issues for some time, and that this could also have contributed to my difficulties in my studies.

I know that my struggles with my health do not excuse my behaviour over the past year, but I hope this information might help to explain why I made the poor choices that I did.

Yours truly,

R. C. [REDACTED]

NO. 4

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO

AND

[REDACTED]

This Exhibit is produced by
the University
this 18 day of September, 2013
Sinead Cuff

Dr. Chongen Liu, MD, family physician
205-2330 Kennedy Road, Scarborough ON M1T 2G6
Phone: 416-609-0000 Fax: 416-609-0001

August 29, 2013

To Whom It May Concern:

I am a family physician in Scarborough who is a member of CPSO and CCFP.

Mr. C [REDACTED] R [REDACTED] has been a patient of my practice since November 2011. He had symptoms of heartburn, throat discomfort and stomach pain etc for at least several months. He had been sent to endoscopy and seen ENT specialist to eventually confirm diagnosis of chronic gastritis with H. Pylori bacteria infection.

This condition gave him the heartburn, stomach pain, throat discomfort etc. affecting his concentration, energy and ability to focus on study.

He also had Tuberculosis in 2010. And he is probably has anxiety and/or depression at present, which is under assessment.

Yours truly,



Dr. Chongen Liu, MD

DR. CHONGEN LIU MD
205-2330 Kennedy Rd.
Scarborough, ON M1T 2G6
Tel: 416-609-0000 Fax: 416-609-0001