

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on October 26, 2015,

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

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

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

H ■ ■ ■ L ■ ■ (997 614 602)

REASONS FOR DECISION

Hearing Date: March 3, 2016

Panel Members:

Ms. Rodica David, Q.C, Lawyer, Chair

Dr. Joel Kirsh, Faculty of Medicine - Paediatrics, Faculty Panel Member

Mr. Sean McGowan, Student Panel Member

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel for University, Paliare Roland Barristers

Ms. Lucy Gaspini, Manager, Academic Integrity & Affairs, Office of the Dean, U of T Mississauga

Ms. Sherna Tamboly, Law Student for Mr. H ■ ■ ■ L ■ ■, Downtown Legal Services

In Attendance:

Mr. H ■ ■ ■ L ■ ■, Student

Ms. Krista Osbourne, Administrative Assistant, Appeals, Discipline and Faculty Grievances

1. The particulars of the offences as set out in the Charges were as follows:
 - a. At all material times the Student was registered at the University of Toronto Mississauga.
 - b. In Fall 2014 the Student enrolled in the Course, which was taught by Professor Vincent Robinson.
 - c. The Student knowingly submitted the Assignment, which was worth 8% of the Course mark, for credit on October 20, 2014.
 - d. In performing the Assignment the Student knew that he was required to use the Geography Department's computer system, and in particular GRASS GIS software.
 - e. The Student knowingly did not access the computing system, and in particular did not use the GRASS GIS to perform the Assignment.
 - f. The Student knowingly did not do any of the required computer work for the Assignment, but constructed the answers using information obtained from a former student or students in the Course.
 - g. For the purposes of obtaining academic credit and/or other academic advantage, the Student knowingly obtained unauthorized assistance in the Assignment .
2. Based on the Statement of Agreed Facts, Appendix 1, the Panel unanimously found the Student guilty on the following charge:

On or about October 20, 2014, the Student knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with Assignment 2 in GGR372H5F ("Assignment" and "Course" respectively), contrary to section B.I.1(b) of the *Code*.

3. The University and the Student presented an Agreed Statement of Facts on Sanction, which is attached to these Reasons as Appendix 2 as well as a Joint Submission On Penalty, which is attached to these Reasons as Appendix 3.
4. The factors that need to be considered in determining penalty have been repeated very often and have been established for many years and one reference is in paragraph 31 of Tab 1 of Book of Authorities, in the T [REDACTED] (Case 794) case:

- (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) the detriment to the University occasioned by the offence.
- (f) the need to deter others from committing a similar offence.

(see *In the matter of the University of Toronto Code of Behaviour, an appeal by Mr. C*, [Case No. 1976/77-3; November 5, 1976] page 12.)

5. We have considered all of these factors and have unanimously concluded that the Joint Submission on Penalty is the appropriate penalty.
6. This is Mr. L [REDACTED]'s third offence. Mr. L [REDACTED] received fair warning at the time of the first two offences that he must abide by *The Code of Behaviour on Academic Matters*. For reasons for which are totally unknown to us, and on which no evidence was presented, he deliberately failed to comply with the requirements

of the course he was taking and instead submitting as his work, the work of another.

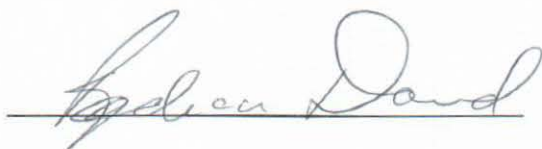
7. The sanction needs to be significant to reflect the seriousness of not only the offence itself, but the fact that it is a third offence.
8. Ms. Harmer suggested that there was no likelihood of repetition, because Mr. L■ is in position to graduate after this offence has been dealt with. We do not accept this submission. If Mr. L■ wished to go onto post graduate work, perhaps a Master's Degree, or beyond that, or into a professional faculty, repetition of the offence could occur.
9. Mr. L■, or any other student, must earn his marks and his degree honourably: everything that is submitted for course credit must be the student's own work. In the career world any student will serve better if he has performed all the tasks necessary to obtain his degree honestly; a student cannot learn what is needed for the skill or work that he aims to pursue if he has not done the work himself to train for that skill or work. While Mr. L■ has hurt the University in committing this offence, he has hurt himself more.
10. We are mindful that Mr. L■ has taken full responsibility for his conduct as soon as he attended the Dean's meeting in March of 2015. However for various reasons, not known to the Panel, the hearing did not take place until a full year later. A delay of one year from the time the Student admitted guilt, to the time that the Tribunal was in a position to hear this matter and determine the sanction, is a relatively long delay. The Joint Submission provided that Mr. L■ be suspended from the University for a period of three years, commencing on **November 1, 2015** and ending on October 31, 2018. If the requirements for not accepting an Agreed Joint Submission on Penalty were not as stringent as they were, we might have considered backdating the suspension to March of 2015; rather than to the Fall of 2015. Mr. L■ should not be penalized, because it takes so long to get to the point where the Tribunal can hear the matter and determine Sanction.

11. The Sanction to be imposed in accordance with the Joint Submission is as follows:

- a. **THAT** Mr. L■■ is guilty of one count of unauthorized aid / assistance, contrary to section B.I.1(b) of the *Code of Behaviour on Academic Matters*;
- b. **THAT** Mr. L■■ receive a final grade of zero in GGR372H5 in Fall 2014;
- c. **THAT** Mr. L■■ be suspended from the University for a period of three years, commencing on November 1, 2015 and ending on October 31, 2018
- d. **THAT** the sanction be recorded on Mr. L■■'s academic record and transcript to the effect that he was sanctioned for academic misconduct, for a period of four years from the date of this Order, to March 2, 2020, or until his graduation from the University, whichever is earlier.
- e. **THAT** this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the name of the Student withheld.

All of which was ordered on March 3, 2016

Dated at Toronto, this 19th day of April, 2016

A handwritten signature in cursive script, reading "Rodica David", written over a horizontal line.

Rodica David, Co-Chair

APPENDIX 1

THE UNIVERSITY TRIBUNAL THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on October 26, 2015,
AND IN THE MATTER OF the University of Toronto Code of Behaviour on Academic Matters, 1995,
AND IN THE MATTER OF the University of Toronto Act, 1971, S.O. 1971, c. 56 as am. S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

H ■ ■ ■ L ■ ■ (■ ■ ■ ■ ■)

AGREED STATEMENT OF FACTS

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 purposes of this hearing, the Provost and H ■ ■ ■ L ■ ■ have prepared this Agreed Statement of Facts ("ASF") and a joint book of documents ("JBD"). The Provost and H ■ ■ ■ L ■ ■ agree that:

- (a) each document contained in the JBD may be admitted into evidence at the Tribunal for all purposes, including to prove 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.

A. Notice of hearing, charges and admission of misconduct

2. H■■■■ L■■■ admits that he received reasonable notice of the hearing. The notice of hearing is included in the JBD at Tab 1.

3. H■■■■ L■■■ admits that he received a copy of the charges filed by the Provost on October 26, 2015. The charges are included in the JBD at Tab 2. H■■■■ L■■■ waives the reading of the charges filed against him, and pleads guilty to charge #1 and charge #2.

4. If the Tribunal convicts H■■■■ L■■■ on charge #1 the Provost will withdraw charge #2.

5. A copy of H■■■■ L■■■'s academic record dated February 12, 2016, is found in the JBD at Tab 3. At all material times H■■■■ L■■■ was a registered student at the University of Toronto Mississauga. H■■■■ L■■■ first registered at the University of Toronto Mississauga in Fall 2009. As at the end of the 2015 Winter term he had earned 20.0 credits, with a cumulative grade point average of 1.89. H■■■■ L■■■ has not taken courses at the University following the Winter 2015 term.

B. GGR372H5

6. In Fall 2014 H■■■■ L■■■ enrolled in GGR372H5: Geographical Analysis of Land Resources ("Course"), which was taught by Professor V. Robinson.

7. A copy of the syllabus for the Course is included in the JBD at Tab 4.

8. Students were required to complete five assignments. Assignment #2 was due on October 20, 2014, and was worth 8% of the total course mark. A copy of the instructions given to students for Assignment 2 is included in the JBD at Tab 5.
9. Students enrolled in the Course were required to:
 - (a) do their own work;
 - (b) do their computing work on the Department of Geography computing system in a specific classroom, Room 1150;
 - (c) complete their assignments on the Department of Geography computing system using GRASS GIS software.
10. When GRASS GIS is used, students logon using a specific login name personal to them. Students' work is timestamped and a history of commands is saved.
11. The Assignment 2 instructions included the following directions to students:
 - (a) **"Students are required** to do their computing work on the Department of Geography computing system in room 1150."
 - (b) "The data and scripts being used in the assignments of this course are **not for distribution.** Do not copy and take home the data."
 - (c) "Students are required to do their own computer work. If there is evidence of you not having done this assignment yourself, then **you will receive no marks for this assignment.** If in addition to you not doing your own

computer work, you turn in answers to this portion of the assignment; it will be considered a very serious case of cheating.”

12. H■■■■ L■■ submitted Assignment 2 for academic credit on October 20, 2014. The cover page of his Assignment 2 identified his login name as “leehon”. A copy of H■■■■ L■■’s Assignment 2 is included in the JBD at Tab 6.

13. When marking H■■■■ L■■’s Assignment 2 Professor Robinson noted that the systems records in GRASS GIS showed no record of H■■■■ L■■ using the login name leehon for access to complete Assignment 2.

14. H■■■■ L■■’s final mark in the Course would have been 51 if Assignment 2 was awarded a mark of zero.

15. H■■■■ L■■ attended a meeting with the Dean’s Designate, Catherine Seguin, on March 26, 2015, to discuss the allegation that he had used an unauthorized aid to complete and submit Assignment 2. At that meeting H■■■■ L■■ admitted that:

- (a) he had submitted Assignment 2 for credit in the Course; and
- (b) his Assignment 2 was not his own work, but that he had obtained unauthorized assistance to complete it from a friend who had previously completed the Course.

16. H■■■■ L■■ signed a form at that meeting admitting to the offences of use of an unauthorized aid contrary to section B.I.1(d) of the Code, and to academic dishonesty contrary to section B.I.3(b) of the Code. (b)

17. H ■ ■ L ■ ■ admits that he knowingly obtained unauthorized assistance for his Assignment 2, contrary to section B.I.1(b) of the Code.

18. H ■ ■ L ■ ■ admits that he is signing this ASF freely and that he has been given the opportunity to obtain independent legal advice before signing this ASF, and has done so.

Signed on March 3, 2016.

Smith

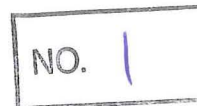
 H ■ ■ L ■ ■

Signed on March 3, 2016.

Lily Harmer

 Lily Harmer
 Assistant Discipline Counsel
 University of Toronto

Doc 1732328 v1



THE UNIVERSITY TRIBUNAL
 UNIVERSITY OF TORONTO
 AND

L ■ ■ , H ■ ■

 This Exhibit is produced by

the *University*

this *3* day of *March*, 20*16*.

K. Osbourne

APPENDIX 2

THE UNIVERSITY TRIBUNAL THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on October 26, 2015,
AND IN THE MATTER OF the University of Toronto Code of Behaviour on Academic Matters, 1995,
AND IN THE MATTER OF the University of Toronto Act, 1971, S.O. 1971, c. 56 as am. S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

H ■ ■ ■ L ■ ■ ■ (■ ■ ■ ■ ■)

AGREED STATEMENT OF FACTS FOR SANCTION

1. On August 16, 2011, H ■ ■ ■ L ■ ■ ■ admitted guilt at a dean's meeting to the charge of obtaining unauthorized assistance by copying computer code from a website to complete an assignment worth 10% in CSC108H5F in the 2010 Fall term. He was assigned a grade of zero for the assignment and a notation on his transcript that his mark had been reduced due to academic misconduct for six months, from August 16, 2011 to February 16, 2012.

2. Also on August 16, 2011, H ■ ■ ■ L ■ ■ ■ admitted guilt at a further dean's meeting to possession of a cell phone in a final exam in MAT102H5F in the 2010 Fall term. He was given a written reprimand, and a notation on his transcript for six months that he had been cautioned for possession of an unauthorized aid in a final exam for six

months, to February 12, 2012. A copy of a letter dated October 4, 2011 is attached to this ASF for Sanction.

3. H [REDACTED] L [REDACTED] is eligible to request to graduate from the University but for final resolution of the charges dated October 26, 2015 and any resulting sanctions arising from those charges.

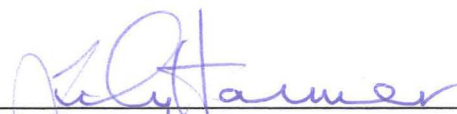
4. If the Joint Submission on Penalty is accepted, H [REDACTED] L [REDACTED] expects to be in a position to graduate in November, 2018 and intends to make a request to do so at that time.

5. H [REDACTED] L [REDACTED] admits that he is signing this ASF for Sanction freely and that he has been given the opportunity to obtain independent legal advice before signing this ASF for Sanction, and has done so.

Signed on March 3, 2016.


H [REDACTED] L [REDACTED]

Signed on March 3, 2016.


Lily Harmer
Assistant Discipline Counsel
University of Toronto



UNIVERSITY OF
TORONTO
MISSISSAUGA

October 4, 2011

OFFICE OF THE DEAN

PERSONAL AND CONFIDENTIAL

Mr. H■■■■■
273 South Park Road
Apt #810
Thornhill, ON L3T 0B5

Dear Mr. L■■■:

In your interview with Professor G. Scott Graham on August 16, 2011, in the presence of Ms Yvette Ye, departmental undergraduate advisor, you admitted you were guilty of academic misconduct in two courses. Specifically, you admitted obtaining unauthorized assistance to complete Assignment 1 in the course CSC108H5F, 2010 (9) and for having in your possession a cell phone while writing your final examination in MAT102H5F, 2010 (9). Under section C.I.(a)8 of the *University's Code of Behaviour on Academic Matters*, I therefore impose the following sanctions:

CSC108H5F, 2010, (9):

- a mark of zero (0) for Assignment 1 in the course; and
- an annotation on transcript of "Mark reduced in the course CSC108H5F, 2010 (9) . due to academic misconduct" for 6 months, from August 16, 2011 to February 16, 2012.

MAT102H5F, 2010, (9):

- a written reprimand; and
- an annotation on transcript of "Cautioned - Possession of an unauthorized aid during the final examination in the course MAT102H5F, 2010 (9)" for 6 months, from August 16, 2011 to February 16, 2012.

I trust that you have had time to reflect on the seriousness of this incident and will not commit another academic offence. Please be advised that any subsequent allegations of offence are usually referred directly to the Tribunal for investigation. I urge you to do everything in your power to make a success of your academic career at the University of Toronto Mississauga.

Yours sincerely,

Kelly Hannah-Moffat
Vice-Dean Undergraduate

/lg

Student Number: 997 614 602
Cc.: Professor Michelle Craig
Professor Konstantin Khanin
Ms Michelle Daley

NO. 3

THE UNIVERSITY TRUSTEES
UNIVERSITY OF TORONTO
AND

L. H. [REDACTED]

This Exhibit is produced by

the University

this 3 day of March, 20.16.

K. Osbourne.

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty filed on October 26, 2015,
AND IN THE MATTER OF the University of Toronto Code of Behaviour on Academic Matters, 1995,
AND IN THE MATTER OF the University of Toronto Act, 1971, S.O. 1971, c. 56 as am. S.O. 1978, c. 88

BETWEEN:

THE UNIVERSITY OF TORONTO

- and -

H [REDACTED] L [REDACTED] (\$ [REDACTED])

JOINT SUBMISSION ON PENALTY

1. For the purposes of the sanction phase of this hearing under the *Code of Behaviour on Academic Matters* (“Code”), the University of Toronto (the “University”) and H■■■■ L■■ have prepared this Joint Submission on Penalty.
2. The Provost and Mr. L■■ submit that the appropriate penalty in all the circumstances of the case is that the University Tribunal impose the following sanctions on Mr. L■■
 - (a) a final grade of zero in GGR372H5 in the Fall 2014 term;
 - (b) a three year suspension from the University to commence November 1, 2015, and to end October 31, 2018; and

- (c) a notation of the sanction on his academic record and transcript from the date of the Order until March 2, 2020 or his graduation from the University, whichever occurs first.

3. The Parties further submit that it is appropriate for the Tribunal to report this case to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed in the University newspapers, with the name of the student withheld.

Signed on March 3, 2016.

hobo
H [REDACTED] L [REDACTED]

Signed on March 3, 2016.

Lily Harmer
Lily Harmer
Assistant Discipline Counsel
University of Toronto

Doc 1735979 v1

NO. 4

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO

AND

4 [REDACTED] H [REDACTED] [REDACTED]
This Exhibit is produced by

the University
this 3 day of March, 2016.

K. Osborne