

**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 -

M■■■■ L■■

REASONS FOR DECISION

Hearing Date: April 21, 2016

Members of the Panel:

Mr. Andrew Pinto, Lawyer, Chair

Professor Maria Rozakis-Adcock, Faculty Panel Member

Mr. Shan Arora, Student Panel Member

Appearances:

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

Mr. Daniel Walker, Student's Legal Representative, Bobila Walker Law LLP

Ms. Lucy Gaspini, Manager, Academic Integrity and Affairs, Office of the Dean,
University of Toronto, Mississauga

In Attendance:

Ms. Tracey Gameiro, Associate Director, Appeals, Discipline and Faculty
Grievances, University of Toronto

Ms. M■■■■ L■■, the Student

Preliminary

- [1] The Trial Division of the University Tribunal was convened on April 21, 2016 to consider charges under the University of Toronto *Code of Behaviour on Academic Matters, 1995* (the "Code") laid against the Student by letter dated October 26, 2015 from Professor Sioban Nelson, Vice-Provost, Faculty and Academic Life.

Hearing on the Facts

- [2] The charges against the Student were as follows:

1. In or about October, 2014, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with Quiz #6 in STA302H5F (the "Quiz"), contrary to sections B.I.1(b), B.II.1(a) and B.II.2 of the Code.
2. In or about October, 2014, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code to obtain academic credit or other academic advantage of any kind, in connection with the Quiz, contrary to section B.I.3(b) of the Code.

Particulars

The particulars of the offences charged are as follows:

- (a) At all material times you were a student registered at the University of Toronto Mississauga.
 - (b) In Fall 2014 you knowingly provided unauthorized assistance to approximately ten students enrolled in STA302H5F: Regression Analysis by providing them with answers to Quiz #6.
 - (c) Students in STA302H5F were required to submit independent work for grading and not to permit others to copy their work.
 - (d) In Fall 2013 you had been enrolled in STA302H5F and were familiar with the requirement to do independent work and not to permit copying of your work by others.
 - (e) You received monetary compensation for the unauthorized assistance you provided to students in STA302H5F in Fall 2014.
- [3] The Student and the University entered into an Agreed Statement of Facts ("ASF"), attached to these Reasons as Appendix "A".

- [4] Discipline Counsel provided an overview of the ASF. In reviewing the ASF, and based on clarifications requested by the Tribunal, the parties proposed minor amendments to the ASF as follows:

(a) In paragraph 15(b) of the ASF, "Q15" should be replaced by "Q16";
and

(b) Paragraph 22(a) of the ASF should be revised to read:

She didn't just provide the students with a copy of her old assignment from the 2013 Course, but did the work for Assignment #6 for them in the fall of 2014 and provided that work to them because she wanted to help them; and

- [5] In summary, the Student took and successfully completed a Regression Analysis course in Fall 2013 from Professor Brunner. The Professor taught the same course in Fall 2014. The Course syllabus was essentially the same. The syllabus contained detailed paragraphs about the requirement that students do their own work, and not permit anyone to copy from them. A Tutorial Assistant (TA) for the 2014 Regression Analysis course noticed that 33 students had submitted virtually identical computer code, and 10 students *identical* code in the computer printout section of one of their assignments. The University determined that 9 of the 10 students had received assistance from a tutor concerning the assignment in question. The tutor was the Student.
- [6] The Student was invited via email to attend a meeting with Professor Brunner to discuss the allegation that she had provided unauthorized assistance to students. The Student responded via email that she did not believe the allegation had anything to do with her, and would not attend a meeting without reasonable proof. She did not ultimately attend a meeting with Professor Brunner.
- [7] The ASF confirmed that the Student charged students \$35-40 per session to \$300 for the duration of the Regression Analysis course.
- [8] The Student attended a meeting with the Dean's designate. After being provided with the standard caution, the Student acknowledged, *inter alia*, that she provided unauthorized assistance to the students by providing them with a copy of her old assignment from the 2013 course. The Student wished to plead guilty to an academic offence.

- [9] Discipline counsel clarified that while the Student did not personally commit the offence listed in section B.i.1.(b) of the *Code*, namely “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”, by virtue of section B.ii.1.(a)(ii), the Student becomes a party to that offence if she “does or omits to do anything for the purpose of aiding or assisting another member to commit the offence.”
- [10] Discipline counsel clarified that the University was not taking issue with the tutoring services offered by the Student *per se*, nor was the University emphasizing the commercial aspect of the Student’s conduct.
- [11] The Student’s counsel suggested that there was some vagueness regarding “unauthorized assistance” in the *Code* but did not take issue with Discipline counsel’s submissions or contradict what the parties had agreed to in the ASF.

Decision of the Tribunal on Charges

- [12] Following deliberation, based on the facts set out in the ASF and a review of the documents contained in a Joint Book of Documents (“JBD”) presented by the parties, the Tribunal accepted the Student’s guilty plea. The University agreed to withdraw the second charge if a finding of guilt was returned on the first charge. Consequently, the Student stood convicted on charge 1.

Penalty

- [13] The matter then continued with a hearing into the appropriate sanction.
- [14] The parties provided the Tribunal with a Joint Submission on Penalty “JSP” which proposed, *inter alia*, that the Student be suspended from the University for a period of two years. A copy of the JSP is attached to these Reasons as Appendix “B”.
- [15] The parties presented no further evidence at the penalty phase of the hearing.
- [16] Discipline Counsel presented a Brief of Authorities containing relevant cases.
- [17] This was the Student’s first offence. There was no evidence presented regarding mitigating or aggravating factors that would distinguish this case from other first offence cases where the Tribunal has typically ordered a two-year suspension.

[18] Discipline Counsel submitted that the JSP was well within the range of the Tribunal's established jurisprudence. The Student's counsel agreed and suggested that the Student had pleaded guilty at the Dean's designate meeting, had attended the hearing and cooperated throughout in the discipline process.

[19] The Tribunal concluded that the JSP was reasonable and that there was no basis upon which to reject the proposed sanction. While the Tribunal disagreed with the Student's counsel's assertion that the Student had been forthcoming throughout, since she initially denied that the allegation had anything to do with her and did not attend the requested meeting with her Professor, the Tribunal agreed that, overall, the proposed sanction was appropriate in all the circumstances.

[20] In light of the facts of this case as stated in the ASF, the admission of guilt by the Student, and the parties' submissions, the Tribunal imposes the following sanction:

1. THAT the Student is guilty of one count of provision of an unauthorized aid / assistance contrary to sections B.I.1(b), BII.1(a) and B.II.2 of the Code of Behaviour on Academic Matters.

2. THAT the Student be suspended from the University for a period of two years, commencing on April 21, 2016 and ending on April 20, 2018.

3. THAT the sanction be recorded on the Student's academic record and transcript, to the effect that she was sanctioned for academic misconduct, for a period of three years from April 21, 2016 until April 20, 2019, or until her graduation from the University, whichever is earlier; and

4. 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 is ordered on April 21, 2016,

Dated at Toronto, this 23rd day of August, 2016.



Andrew Pinto, Co-Chair

APPENDIX A

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 -

M■■■■ L■■■

Agreed Statement of Facts

1. This hearing arises out of charges of academic misconduct ("Charges") filed by the Provost of the University of Toronto (the "Provost") under the Code of Behaviour on Academic Matters ("Code"). The Provost and M■■■■ L■■■ ("Ms. L■■■") have prepared this Agreed Statement of Facts as well as a joint book of documents ("JBD"). The Provost and Ms. L■■■ agree that:

- (a) each document included 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. Ms. L█ admits that she received a copy of the Charges filed by the Provost. The Charges are included in the JBD at Tab 1.

3. Ms. L█ admits that she has received reasonable notice of the hearing. The notice of hearing in this matter is included in the JBD at Tab 2.

4. Ms. L█ waives the reading of the charges filed against her and pleads guilty to all charges. The Provost agrees that if the Tribunal convicts on charge #1 the Provost will withdraw charge #2.

5. Ms. L█'s academic record as contained in ROSI as of April 13, 2016, is included in the JBD at Tab 3. Ms. L█ first enrolled at the University in Fall 2010, and since that time has accumulated a total of 21.50 credits. Ms. L█ has made a graduation request which is on hold pending the outcome of the Tribunal hearing into the Charges.

A. STA302H5F

6. In Fall 2013, Ms. L█ was enrolled in and successfully completed STA302H5F – “Regression Analysis”(“2013 Course”) at the University of Toronto Mississauga (“UTM”). The 2013 Course was taught by Professor Jerry Brunner. Ms. L█ received a grade of 77 in the 2013 Course. The 2013 Course syllabus is included in the JBD at Tab 4.

7. Professor Brunner taught STA302H5F – Regression Analysis again in the Fall 2014 term (“2014 Course” and together with the 2013 Course the “Course”). The 2014 Course syllabus was essentially the same as for the 2013 Course, updated to reflect changes in dates. The 2014 Course syllabus is included in the JBD at Tab 5.

8. The Course syllabus in each of the 2013 Course and the 2014 Course explained that quizzes would require prior completion of corresponding assignments, and

contained the following detailed paragraphs about the requirement that students do their own work, and not permit anyone to copy from them:

Grading: 70% of the mark will be based on [11] equally weighted weekly quizzes [...]

There will be an assignment for each quiz. The knowledge you need to do each quiz is a subset of the knowledge you need to do the corresponding assignment. Many of the assignments will include a computer part. You will bring printouts to the quiz and answer questions based on the printouts. Possibly, one of the quiz questions will be to hand in a printout. The non-computer parts of the assignments are just to prepare you for the quizzes; they will never be handed in.

[...]

Academic Honesty: It is an academic offence to present someone else's work as your own, or to allow your work to be copied for this purpose. To repeat: the person who allows her/his work to be copied is equally guilty, and subject to disciplinary action by the university.

It is fine to discuss the assignments and to learn from each other, but there are clear limits on what is acceptable. It is okay to discuss the meaning of the question. It is okay to discuss general principles related to the question. It is okay, and encouraged, to discuss examples from lecture or textbook that are similar to the question. It is okay to reveal your approach to solving a problem (not the details), but only to somebody who has tried the problem and is really stuck. [...]

But above all, **don't copy, and don't let anyone else copy from you**. You are expected to do the work yourself, and then *perhaps* compare answers after you have done so. [...]

For the computer parts of the homework: Never look at anyone else's printouts or show anyone your printout before the quiz when they might be handed in. Above all, do not allow anyone in the class to see your program file before a computer assignment is due, and do not look at anyone else's. [...]

For some quizzes, you will be asked to bring your printouts to class; maybe you will hand them in, and maybe you will use them to answer some questions. Never, ever, bring a copy of somebody else's printout, or allow anyone to have a copy of yours. Again, your "friends" may ask you. You are expected to refuse.

You might be surprised to know how easy it is to detect copying on computer assignments. Here are some guidelines: [...]

- If two students have computer work that is excessively similar to each other, but *not* similar to what was presented in lecture or office hours, that is evidence of cheating...
- If you allow anyone to have an *electronic* copy of your computer work, for any reason, you are not only guilty of an academic offence, you have lost your mind.

- *Direct copying of computer code from the internet (other than from our class website) is prohibited. You are expected to do the work yourself. [...]*

It is acceptable to get help with your assignments from someone outside the class, but the help must be limited to general discussion and examples that are not the same as the assignment. As soon as you get an outside person to actually start working on one of your assignments, you have committed an academic offence. (Unless the person refuses to tell you the answer and just laughs at you because it was so easy.)

9. In addition to the detailed syllabus, Professor Brunner also communicated to students in the Course during class time in 2013 and 2014 that they were required to submit independent work for grading and not to permit others to copy their work.

10. As described in the Course syllabus, students in the Course were required to complete 11 assignments, most including a computer part, which were to be brought to and used in completing the 11 weekly quizzes. Quizzes were each worth 7% of the Course mark (after dropping the lowest marked quiz). The assignments in the Course were very similar in 2013 and 2014.

11. On October 24, 2014, students enrolled in the 2014 Course submitted Quiz #6. Prior to submitting Quiz #6, the students completed corresponding Assignment #6, which was distributed to the students about a week prior to the date of Quiz #6. A copy of Assignment #6 in the 2014 Course is included in the JBD at Tab 6. A copy of Quiz #6 in the 2014 Course is included in the JBD at Tab 7.

12. Assignment #6 had two elements: a series of math problems, and a computer problem. The computer problem on Assignment #6 in Fall 2014 (Questions 15 and 16) was identical to the computer problem on Assignment #7 in Fall 2013 (Questions 1 and 2).

13. Students in the 2014 Course were required to bring to Quiz #6 a printout of their answer to the computer problems on Assignment #6 ("Printout"). This Printout assisted students to complete questions on Quiz #6. At the conclusion of the quiz, students were also required to submit the Printout.

14. Charles Tsang, the TA for the 2014 Course, marked Quiz #6, and notified Professor Brunner that 33 students had submitted virtually identical code in their computer Printouts. Of these, 10 students (the "Tutored Students") had submitted the identical Printout, including identical text, code, font, and colour (the "Identical Printout"). A copy of the Identical Printout (highlighted to show the features described in paragraph 15 below) is included in the JBD at Tab 8.

15. Professor Brunner reviewed the Printouts from the Tutored Students and concluded that the Tutored Students did, in fact, submit identical Printouts. The fact that each Identical Printout is identical is highly unusual because there are many different ways to correctly complete the computer problems in Assignment #6. There is a very low likelihood that more than one student would select identical commands resulting in an identical Printout. Each Identical Printout contained the following noteworthy features:

- (a) Each student used the term "census" in lower-case letters to identify the data file `CensusTract.data`, which appears in the first line of code under Q15 ("`>census=read.table`"). Students could select any word or combination of letters and characters, which are case-sensitive, to identify the data file, but all of the Tutored Students used the word "census" with identical capitalization.

- (b) Each Tutored Student used the term “mod2”, in lower-case characters, to identify the linear model object, which appears in the third line of code under Q15. Again, students could select any word or combination of letters and characters, which are case-sensitive, to identify the linear model object.
- (c) The input and spacing (including page breaks) is identical on each Identical Printout.
- (d) Each Identical Printout contains red text (or red text printed in grey scale), which is not computer-generated and must have been added by the author of the Identical Printout when transferring the computer data into a Microsoft Word document. Each Tutored Student submitted a Printout with red text in identical locations, including the following text:
 - (i) the regression coefficient 66.469 under Q15;
 - (ii) the R-squared statistic 0.9546 under Q15; and,
 - (iii) the colon in front of the R-squared statistic 0.9546 under Q15.
- (e) Q15 at the top of the first page was bolded and highlighted, while Q16 on the next page was neither bolded nor highlighted. This formatting is not computer-generated and therefore must have been added by the author of the Identical Printout when transferring the computer data into a Microsoft Word document.

16. Professor Brunner scheduled individual interviews with each of the Tutored Students to discuss their Identical Printouts. During these interviews Professor Brunner was advised that nine of the ten Tutored Students had received assistance from a tutor throughout the 2014 Course, and specifically that the tutor had provided them with assistance on Assignment #6. The tenth student claimed that he had received the Identical Printout from another student in the Course.

17. Professor Brunner obtained a copy of an email sent to nineteen email addresses by Ms. L■ using her boyfriend's computer and the email address ■■■■■@gmail.com which attached a copy of the Identical Printout. The document properties associated with the Identical Printout indicate it was created on October 18, 2014. A copy of that email, dated October 19, 2014, and its attachment, together with a screenshot of the properties screen for that attachment, is included in the JBD at Tab 9.

18. Upon investigation, Professor Brunner determined that Ms. L■ was the tutor from whom the Tutored Students had obtained the Identical Printout.

19. Professor Brunner attempted to schedule a meeting with Ms. L■ to discuss the allegation that she had provided unauthorized assistance to students in his 2014 Course. Ms. L■ responded that she did not believe the allegation had anything to do with her, and would not attend a meeting without reasonable proof. She ultimately did not attend a meeting with Professor Brunner. A copy of an email exchange between Professor Brunner and Ms. L■ from December 3, 2014 to December 9, 2014 is included in the JBD at Tab 10.

20. Ms. L■ provided tutoring services to students enrolled in the 2014 Course, including at least nine of the ten tutored Students. Ms. L■ charged a fee to these

students for her tutoring services of from \$35-\$40 per session to \$300 for the duration of the Course. A handwritten note from one of the Tutored Students confirming that she had paid approximately \$300 for Ms. L■■'s tutoring service for the duration of the 2014 Course is included in the JBD at Tab 11.

B. Meeting with the Dean's Designate

21. Ms. L■■ attended a meeting with the dean's designate, Professor Michael Georges, on March 10, 2015. After being provided with the standard introductory comments, including the dean's warning pursuant to section C.I.(a)6 of the Code, Ms. L■■ acknowledged that:

- (a) she tutored approximately five students taking the 2014 Course;
- (b) she gave these students her old course materials, including all of the online posts, quizzes and assignments from the 2013 Course, and she answered questions that they had about the Course;
- (c) she also hosted an online discussion group that connected Chinese students "from all over the place talking about Canadian life";
- (d) some of the students that participated in the online discussion group were also students in the 2014 Course, and these students asked if anyone had notes or assignments from the Course that they could share;
- (e) she shared notes and assignments with students from the discussion group, including an answer that she prepared to the computer problem on Assignment #6;

- (f) she sent the answer to the computer problem on Assignment #6 to a list of students using [REDACTED]'s email account; and
- (g) she understood that students in the Course were required to do the assignments independently, and she was aware that the Course syllabus made this clear in each of 2013 and 2014.

22. Ms. L [REDACTED] also told Professor Georges that:

- (a) she didn't ^{just} provide the students with a copy of her old assignment from the 2013 Course, but rather ~~did~~ did the work for Assignment #6 for them in the fall of 2014 and provided that work to them because she wanted to help them; and
- (b) because she had taken the Course before, she knew that copying was not permitted, and told the students not to copy the answer she had given them.

23. At the meeting Ms. L [REDACTED] indicated that she wished to plead guilty to an academic offence and signed a document confirming her guilty plea. That document is included in the JBD at Tab 12.

24. Ms. L [REDACTED] admits that the dean's meeting took place in a manner consistent with the requirements of the Code.

25. Ms. L [REDACTED] admits that she knowingly provided unauthorized assistance and an unauthorized aid to students in the 2104 Course who used that unauthorized assistance

and the unauthorized aid in connection with Assignment and Quiz #6 in the 2014 Course, contrary to sections B.I.1(b), B.II.1(a) and B.II.2 of the Code.

26. Ms. L ■ acknowledges that in knowingly providing the unauthorized assistance and aid to students in the 2014 Course who committed the offence of using or possessing an unauthorized aid or obtaining unauthorized assistance in connection with Assignment and Quiz #6, she is a party to that offence.

C. Acknowledgments

27. Ms. L ■ acknowledges that:

- (a) the Provost advised her of her right to obtain legal counsel and that she obtained that advice; and
- (b) she is signing this ASF freely and voluntarily.

Signed on April 21, 2016

M ■ L ■

Signed on April 21, 2016

Lily Harmer

Lily Harmer
Assistant Discipline Counsel
University of Toronto

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THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO
AND

M ■ L ■
.....
This Exhibit is produced by
the Provost + Student
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this 21 day of April, 2016
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Shashil

APPENDIX B

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 -

M■■■■ L■■■

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 M■■■■ L■■■ ("Ms. L■■■") have prepared this Joint Submission on Penalty.

2. The Provost and Ms. L■■■ submit that the appropriate penalty in all the circumstances of the case is that the University Tribunal impose the following sanctions

- (a) Ms. L■■■ be suspended from the University for a period of two years, commencing on April 21, 2016 and ending on April 20, 2018; and
- (b) the sanction be recorded on Ms. L■■■'s academic record and transcript, to the effect that she was sanctioned for academic misconduct, for a period of three years from the date of this Order until April 20, 2019, or until her graduation from the University, whichever is earlier.

2. The parties agree 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.

3. Ms. L [REDACTED] acknowledges that she has signed this JSP freely and voluntarily, knowing of the potential consequences she faces. Ms. L [REDACTED] acknowledges that the University of Toronto has advised her to obtain independent legal advice before signing this JSP and that she has either done so or waived the right to do so.

Signed on April 21, 2016

[REDACTED]
M [REDACTED] L [REDACTED]

Signed on April 21, 2016


Lily Harmer
Assistant Discipline Counsel
University of Toronto

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NO. 3

THE UNIVERSITY TRIBUNAL
UNIVERSITY OF TORONTO

AND

M [REDACTED] L [REDACTED]

.....
This Exhibit is produced by
the Provost & Student

this 21 day of Apr. 21, 2016


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