

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on October 7, 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 am.

B E T W E E N:

The University of Toronto

- and -

S [REDACTED] M [REDACTED] ([REDACTED])

REASONS FOR DECISION

Date of Hearing: Tuesday, May 10, 2016

Members of the Panel:

Mr. Jeffrey S. Leon, Barrister and Solicitor, Chair
Professor Louis Florence, Faculty Panel Member
Ms. Lu Zhao, Student Panel Member

Appearances:

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Mr. Deepak Paradkar, and Naveen Batish (Student-at-Law), Counsel for the Student
Dr. Martha Harris, Office of Student Academic Integrity, Faculty of Arts and Sciences

In Attendance:

Mr. Christopher Lang, Director, Appeals, Discipline and Faculty Grievances
Mr. S [REDACTED] M [REDACTED], the Student, in attendance

Preliminary Matters

1. The Trial Division of the University Tribunal was convened on Tuesday, May 10, 2016 to consider three charges brought by the University of Toronto against the Student under the *Code of Behaviour on Academic Matters*, 1995 (the "Code").

The Charges

2. The Student was charged with the following offences:

- (i) On or about April 2, 2015, you knowingly represented as your own an idea or expression of an idea, and/or the work of another in Assignment 3 that you submitted for academic credit in CSC343HIS (20151) (the "Course"), contrary to section B.I.1(d) of the Code.
- (ii) On or about April 2, 2015, you knowingly obtained unauthorized assistance in connection with Assignment 3 that you submitted for academic credit in the Course, contrary to section B.I.1(b) of the Code.
- (iii) In the alternative, on or about April 2, 2015, 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 Assignment 3 that you submitted for academic credit in the Course, contrary to section B.I.3(b) of the Code.

The Facts

3. The parties entered into an Agreed Statement of Facts (Exhibit "1"). That Agreed Statement sets out the facts that follow.

4. In Winter 2015, the Student enrolled in CSC343H1 - Introduction to Databases (the "Course"), which was taught by Professor Diane Horton. The Course was an introduction to database management systems and focused on:

- (a) the relational data model;
- (b) relational algebra;
- (c) querying and updating databases and the query language SQL;
- (d) application programming with SQL;
- (e) integrity constraints, normal forms, and database design; and
- (f) elements of database system technology: query processing, and transaction management.

5. A copy of the syllabus for the Course was filed as Exhibit "2" (Tab 4). The syllabus warned students about the need for academic integrity and the expectation that students must submit their own work and that collaboration was strictly forbidden:

The work you submit must be your own. It is an academic offence to copy someone else's work. This includes their code, their words, and even their ideas. Whether you copy or let someone else copy, it is an offence. Academic offences are taken very seriously.

At the same time, we want you to benefit from working with other students. Obviously, work done with your partner is a joint effort. You are also welcome to work appropriately with students other than your partner. It is appropriate to discuss course material and technology related to assignments, and we encourage you to do so. For example, you may work through examples that help you understand course material or a new technology, or help each other configure your system to run a supporting piece of software. You may also discuss assignment requirements.

However, other than between partners, *collaboration on assignment solutions is strictly forbidden*. The most certain way to protect yourself is not to discuss assignment solutions or the ideas behind them with students other than your partner. Certainly you must not let others see your assignment solutions, even in draft form. Please don't cheat. We want you to succeed and are here to help if you are having difficulty.

Assignment 3

6. One of the Course requirements was Assignment 3, which was worth 10% of the final grade in the Course. A copy of Assignment 3 was filed as Exhibit "2" (Tab 5).
7. Part 1 of Assignment 3 consisted of a series of six small programs, written in the language XQuery. Students were permitted to work alone or in pairs. The Student worked with his partner Mr. A. The Student submitted their answer to Assignment 3 on April 2 (the "Submission"). A copy of the Submission was filed as Exhibit "2" (Tab 6).
8. Professor Horton ran all of the several hundred submissions through an auto-testing program to see if the programs would run. The Submission failed the auto-testing with an error message that read: "Toplevel Error: XQueryP tokens found, please use -language xquery or -language dxq". Only one other assignment in the class had that error message: the assignment submitted by Mr. B (the "B Submission"). A copy of the B Submission was filed as Exhibit "2" (Tab 7).

9. Professor Horton examined the Submission and the B Submission more closely. She observed that the two submissions were identical in structure. Other than some additional context defined by one group in the first two lines of the file, the only differences were the variable names chosen by the students. Professor Horton annotated printouts of the submissions. The annotated version of the Submission and the annotated version of the B Submission were filed as Exhibit "2" (Tab 8) and Exhibit "2" (Tab 9), respectively. These versions were highlighted where there was an identical code.

10. Because of the unusual syntax of the XQuery language, and because students were not familiar with this language, the solutions submitted by the students in the Course varied widely. Professor Horton was confident that it was virtually impossible that students working independently could produce identical programs.

11. The Student admitted that he located Mr. B's programs on Github, a publicly accessible web-based software program repository hosting service. The Student admitted that he accessed Mr. B's programs without Mr. B's knowledge or permission, copied Mr. B's programs, and then used them in the Submission. The Student knew that he was not permitted to collaborate with any students except his partner or to view or use the work of any other student in the way he did.

12. The Student further admitted that he did not tell Mr. A that he had accessed, copied, and used Mr. B's programs in the Submission. The Student admitted that he knowingly:

- (i) received unauthorized assistance contrary to s. B.I.1(b) of the Code when he viewed, copied and used Mr. B's programs;
- (ii) included verbatim and nearly verbatim excerpts from Mr. B's programs in the Submission;
- (iii) failed to attribute the verbatim and nearly verbatim excerpts from Mr. B's work;
- (iv) represented Mr. B's ideas and work as his own;
- (v) committed plagiarism contrary to section B.I.1(d) of the Code; and
- (vi) engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit, contrary to section B.I.3(b) of the Code

Decision

13. The Panel found the Student guilty of charges 1 and 2 as set out above. Counsel for the University withdrew the third charge.

Penalty

14. The parties filed an Agreed Statement of Facts and Joint Submission on Penalty (Exhibit 3). This was supplemented by oral submissions on behalf of the University and the Student.

15. The following facts related to prior offences by the Student were set out in the Agreed Statement of Facts:

- (i) On October 30, 2013, the Student was sanctioned by the Dean's Designate for Academic Integrity in the Faculty of Arts and Science at the University of Toronto for having committed an academic offence. Specifically, the Student admitted that he and another student submitted answers to assignment 4 in the course CSC209H1 (20131), which were unacceptably similar. The Student admitted that he went to the lab to do the assignment and found an unlocked computer on which he found assignment code that had already been written. He then copied that code and submitted it as his own work.
- (ii) The Dean's Designate imposed a grade of zero on the assignment in question, and a final grade reduction by a further 20 marks. In addition, the Student's academic record and transcript was annotated from April 2, 2013, to April 1, 2015, Exhibit "3" (Tab 1).
- (iii) Further, on August 13, 2014, the Student was sanctioned for academic misconduct in CSC336H1S. The Student admitted that he had worked on an assignment together with another student and came to have the same algorithm for the assignment because they discussed it together. He indicated that he had shared his work with the other student in such a way that the other student could copy it and acknowledged that he had

committed the academic offence of providing and receiving unauthorized assistance on the assignment.

- (iv) The Dean's Designate imposed a final grade of zero in the course CSC336 and suspended the Student from the University for a period of four months from July 1, 2014, to October 31, 2014, and a transcript annotation from September 2014 until graduation, Exhibit "3" (Tab 2).

Joint Submission on Penalty

16. The University and the Student made a joint submission requesting that the following penalty be imposed:

- (i) a final grade of zero in the course CSC 343H1;
- (ii) a suspension from University for three years from May 1, 2016, to April 30, 2019; and
- (iii) a notation of the sanction on the Student's academic record and transcript for four years from the date the Tribunal makes its order.

17. The parties further submitted that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the name of the student withheld.

18. Counsel for the University reminded the Panel that while the Panel was not obliged or required to accept the joint submission, a joint submission should be rejected

only in circumstances where to give effect to it would be contrary to the public interest or bring the administration of justice into disrepute.

19. Counsel for the University reviewed prior decisions of this Tribunal where there had been at least two prior convictions. In this case, the Student cooperated with the University from the outset, admitted responsibility for his conduct and plead guilty to the offences.

20. An unusual aspect of this case is that the Student had completed the course requirements for his degree at the time of the hearing. Counsel for the Student submitted that the terms of the joint submission would have a significant effect on the Student in that he would not receive his degree until after his suspension was over (April 30, 2019).

21. It should be recognized that the University will respond to serious misconduct, regardless of when it occurs in the student's academic career.

22. The Student has demonstrated a flagrant disregard for honesty in his conduct at the University. The Student flaunted the *Code* in a significant way.

23. There will be no opportunity to determine whether the Student has learned from the error of his ways and whether he will conduct himself with honesty and integrity in the future. As noted, upon completion of his suspension, the Student will receive his undergraduate degree and graduate. Thus, while specific deterrence may be less of a factor in this case, the Panel expressed its hope that as a graduate of the University, the Student will henceforth conduct himself in an appropriate manner.

24. The Panel was not in a position to find that the Joint Submission in this case would be contrary to the public interest or bring the administration of justice into disrepute and on that basis, accepted the submission. In doing so, the Panel orally cautioned the Student on the seriousness of his dishonest conduct, the potential damage done to the University by such dishonesty and, as noted, the importance of the need to conduct himself in the future with honesty and integrity.

Order

25. The Panel ordered as follows:

- (i) **THAT** the Student is guilty of an academic offence, contrary to the *Code of Behaviour on Academic Matters*;
- (ii) **THAT** the following sanctions shall be imposed on the Student:
 - (a) a final grade of zero in the course CSC 343H1;
 - (b) a suspension from the University for three years from May 1, 2016, to April 30, 2019; and
 - (c) a notation of the sanction on his academic record and transcript for four years from the date the Tribunal makes its order.
- (iii) **THAT** this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the name of the student withheld.

Dated at Toronto, this 8th day of June, 2016



Mr. Jeffrey S. Leon, Chair