UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION

IN THE MATTER OF charges of academic dishonesty made on June 25, 2018

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 –

V█████ T██ ("the Student")

REASONS FOR DECISION

Hearing Date: January 29, 2020

Members of Panel:
Ms. Lisa Talbot, Chair
Professor Margaret MacNeill, Faculty Panel Member
Mr. Jin Zhou, Student Panel Member

Appearances
Mr. Robert A. Centa, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:
Krista Kennedy, Administrative Clerk and Hearing Secretary of the Office of Appeals, Discipline Faculty Grievances

Not in Attendance:
The Student

THE CHARGES

1.   This matter arises out of charges of academic misconduct filed on June 25, 2018, by the Provost of the University of Toronto (the "Provost") under the *Code of Behaviour on Academic Matters* ("*Code*").

2.   The charges arise out of events that took place in the winter term of 2018 in two courses taught at the University: (i) the "Social Impact of Information Technology" (CSC D03) in which the Student was enrolled as a student; and (ii) "Principles of Programming Languages" (CSC C24) in which the Student was a teaching assistant.

3.   The charges are as follows.

A.   Charges relating to CSC D03

> 1. On or about March 28, 2018, the Student knowingly had Chris Meng personate him when Mr. Meng submitted an in-class assignment in the Student's name, contrary to section B.I.1(c) of the Code.

> 2. On or about April 2, 2018, the Student knowingly had Chris Meng personate him when Mr. Meng submitted an in-class writing assignment in the Student's name, contrary to section B.I.1(c) of the Code.

> 3. In the alternative to each of the charges above the Student knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic advantage of any kind in connection with an in-class writing assignment in Social Impact of IT, contrary to section B.I.3(b) of the Code.

B.   Charges relating to CSC C24

> 4. On or about January 25, 2018, the Student knowingly did or omitted to do something for the purpose of aiding or assisting a student, Y.W., to obtain

unauthorized assistance in connection with Lab 3 in Programming Languages, contrary to section B.I.1(b) of the Code.

5. On or about February 1, 2018, the Student knowingly did or omitted to do something for the purpose of aiding or assisting a student, Y.W., to obtain unauthorized assistance in connection with Lab 4 in Programming Languages, contrary to section B.I.1(b) of the Code.

6. On or about February 3, 2018, the Student knowingly did or omitted to do something for the purpose of aiding or assisting a student, Chiu Yuen, to obtain unauthorized assistance in connection with Assignment 1 in Programming Languages, contrary to section B.I.1(b) of the Code.

7. On or about February 8, 2018, the Student knowingly did or omitted to do something for the purpose of aiding or assisting a student, Chiu Yuen, to obtain unauthorized assistance in connection with Lab 5 in Programming Languages, contrary to section B.I.1(b) of the Code.

8. On or about February 8, 2018, the Student knowingly did or omitted to do something for the purpose of aiding or assisting a student, Y.W., to obtain unauthorized assistance in connection with Lab 5 in Programming Languages, contrary to section B.I.1(b) of the Code.

9. On or about February 15, 2018, the Student knowingly did or omitted to do something for the purpose of aiding or assisting a student, Chiu Yuen, to obtain unauthorized assistance in connection with Lab 6 in Programming Languages, contrary to section B.I.1(b) of the Code.

10. On or about February 17, 2018, the Student knowingly did or omitted to do something for the purpose of aiding or assisting a student, Chiu Yuen, to obtain unauthorized assistance in connection with Assignment 2 in Programming Languages, contrary to section B.I.1(b) of the Code.

11. In the alternative to each of charges 4 to 10, the Student knowingly did or omitted to do something for the purpose of aiding or assisting one or more students to engage in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage in Programming Languages, contrary to section B.I.3(b) of the Code.

THE HEARING

4.   The Tribunal heard this matter on January 29, 2020. The hearing proceeding on an Agreed Statement of Facts, dated August 22, 2019, in which the Student pleaded guilty to all charges filed against him.

5.   The Student did not attend the hearing. In the Agreed Statement of Facts, the Student admitted that he received a copy of the charges filed by the Provost, and that he received reasonable notice of the hearing. The Panel accepted his consent, dated January 7, 2020 to proceed in his absence and to waive his right to any further notice of the proceedings.

THE FACTS

6.   In the Agreed Statement of Facts, the Student admits to the following evidence, which the Panel accepts and finds as facts.

A.   Social Impact of Information Technology (Charges #1 to 3)

7.   In Winter 2018, the Student registered in CSC D03: Social Impact of Informational Technology ("Social Impact of IT"), which was taught by Professor Graeme Hirst. Social Impact of IT gives senior undergraduates in computer science programs some perspective on their studies including insight into the social consequences of the field, and the ethical dilemmas that computer professionals may face. The course helps students prepare for their transition from computer science students to computer professionals.

8.   The final grade in Social Impact of IT comprised written assignments, in-class

presentations, and participation. Professor Hirst expected students to attend all lectures. As the

course outline explained:

Attendance

This is an inherently participatory class. You are expected to attend all lectures. Repeated absences without a legitimate reason are grounds for a substantial reduction of the final grade, typically 5 percentage points per class missed (that is, your class participation mark can be seriously negative). If you miss a class for unavoidable reasons such as illness, you should contact the instructor as soon as possible to explain.

Feedback

You are expected to provide feedback on all presentations held in the lectures and your tutorials. A sample feedback form can be found here. This feedback will count for part of your participation mark. Thoughtful and helpful comments are expected.

9.   Participation was worth 10% of the final grade in Social Impact of IT:

This mark will be based on a combination of your attendance at lectures (as indicated by your use of the feedback forms) and your in-class and online participation (6% and 4% respectively).

10.   Professor Hirst emphasized the importance of ethical behaviour in the course outline and

reminded students that they were expected to follow the *Code*:

Ethical Behaviour and plagiarism

We will debate many ethical issues in this course, but the University of Toronto Code of behaviour on academic matters and the Code of student conduct will not be among them; rather, these will be taken as given, and students will respect them and follow their precepts.

Therefore:

- Undue collaboration in your papers and assignments is not permitted. You may use ideas and positions that are raised and discussed in class (with proper attribution, where appropriate). And you may discuss your work with other students outside class, indeed you should do so, but this is to stimulate your own thinking, not to substitute for it. What you hand in must be, in essence, your own work.

11.   The Student attended lectures and submitted Presentation Feedback Forms on a regular

basis.

12.   On March 28, 2018, the Student did not attend class because he had a doctor's

appointment. The Student asked Chris Xin Meng, another student in the class, to complete and

submit Presentation Feedback Forms in the Student's name and on his behalf.

13.   On April 2, 2018, the Student wished to pick up someone at the airport and he did not

attend class. The Student again asked Mr. Meng to complete and submit Presentation Feedback

Forms in the Student's name and on his behalf.

14.   The Student admits that he knowingly had Mr. Meng personate him in connection with

the five Presentation Feedback Forms submitted in his name on March 28 and April 2, 2018. The

Student admits that he did so in order to obtain academic credit for work that he did not

complete.

B.   Programming Languages (Charges #4 to 11)

15.   In Winter 2018, Professor Albert Lai taught CSC C24, Principles of Programming

Languages ("Programming Languages"). The Student was a teaching assistant in Programming

Languages in Winter 2018. Y.W. and Chiu Yuen were both students registered in Programming

Languages during this term.

16.   The Course Information Sheet was included in evidence. The final grade in the course

consisted of marks for coding exercises called Tutorial-labs (11 assigned, with the best 10 to

count towards a total of 10% of the final grade in Programming Languages), five assignments

(A1 to A5), a mid-term test, and a final exam.

17.   Additional information about Programming Languages was found on the course website,

a copy of which was adduced into evidence.

18.   Each week, the Student was responsible for running a two-hour tutorial. During most tutorials, the Student would present information to his class. The students would then do coding exercises based on "starters" provided by Professor Lai to the students. The Student was available to assist students as they worked on their exercises during the tutorial period. Students could complete their coding exercises during the tutorial, or they could submit their solutions by 6:00 p.m. on the Friday of the same week that the tutorial took place.

19.   Professor Lai provided solutions for all of the coding exercises and assignments to the Teaching Assistants. Professor Lai provided teaching assistants with the instructor's solutions to ensure that the teaching assistants understood the professor's expectations, could accurately respond to student questions, and evaluate the students' work. Professor Lai sent an email to the teaching assistants that attached the solutions in the form of computer code. There were many different ways to solve correctly the coding exercises and assignments. It is extremely unlikely that two students would submit identical solutions or that any solution, even an excellent solution, would be nearly identical to Professor Lai's solutions.

20.   The Student received the instructor's solutions for all of the coding exercises and assignments from Professor Lai. He knew that he was receiving those solutions in his capacity as a teaching assistant and for his authorized duties only. He knew that he was not permitted to give, show, or make the instructor's solutions available to students in Programming Languages. He knew or ought to have known that doing so would breach the *Code* and violate his obligations as a tutorial assistant.

Relationship between Mr. Yuen and the Student

21.   Mr. Yuen enrolled in Programming Languages during this term and was in the Student's tutorial group. Mr. Yuen knew the Student personally before the term started and the Student was willing to help Mr. Yuen with the course when he had difficulties with the material. Mr.

Yuen did not take the prerequisite to the course and had significant difficulty with the material and completing the coding exercises assigned by Professor Lai.

22.   As described below, Mr. Yuen received unauthorized assistance from the Student and such assistance was unauthorized and a breach of the *Code.*

23.   Mr. Yuen did not pay the Student for his assistance.

Relationship between Y.W. and the Student

24.   Y.W. was a student in the course but was not a student in the Student's tutorial group.

25.   Y.W. knew the Student personally before the term started. As described below, Y.W. received unauthorized assistance from the Student. Such assistance was unauthorized and a breach of the *Code.*

26.   Y.W. did not pay the Student for his assistance.

Lab Week 3: Basic Scheme Exercises (Charge #4)

27.   For the coding exercise assigned during Lab Week 3, students were required to write four functions. Each function was worth one mark for correctness and there was one additional mark for style and layout.

28.   Professor Lai provided students with starter code for Lab Week 3, which was adduced into evidence and reviewed by the Panel.

29.   Professor Lai sent the same instructor's solution for Lab Week 3 to the Student and all the other teaching assistants. The Panel reviewed the instructor's solution, which was adduced into evidence.

30.   The Student sent Y.W. a copy of the Lab Week 3 solution by WeChat. Y.W. made some minor changes to the file that the Student sent to her and submitted it as her answer for the Lab Week 3 coding exercise. The Panel reviewed her submission, which was adduced into evidence. Y.W.'s submission was nearly identical to the instructor's solution.

31.	The Student admits that he knowingly provided his copy of the instructor's solution to Y.W. to permit her to use the solution to assist her in completing her lab. The Student did not review or grade Y.W.'s completed lab.

Lab Week 4: Intermediate Scheme exercises (Charge #5)

32.	For the coding exercise assigned during Lab Week 4, students were required to write three functions.

33.	Professor Lai provided students with starter code for Lab Week 4, which was adduced into evidence.

34.	Professor Lai sent the same instructor's solution for Lab Week 4 to the Student and all the other teaching assistants. This was adduced into evidence.

35.	Mr. Yuen approached the Student for assistance during the tutorial. Despite providing him extra assistance, Mr. Yuen had difficulty completing the coding exercise and messaged the Student on WeChat to ask for assistance with the coding exercise. The Student responded by sending Mr. Yuen a solution by WeChat. Mr. Yuen made some minor changes to the file that the Student sent to him and submitted it as his answer for the Lab Week 4 coding exercise. The Panel reviewed Mr. Yuen's submission. Mr. Yuen's assignment was nearly identical to the instructor's solution.

36.	The Student admits that he knowingly provided his copy of the instructor's solution to Mr. Yuen to permit him to use the solution to assist him in completing his lab.

Assignment 1 – February 3, 2018 (Charge #6)

37.	Assignment 1 in Programming Languages was due on February 3, 2018, and was worth 6% of the course grade. A copy of the questions for Assignment 1, was adduced into evidence.

38.	Professor Lai sent students starter code for Assignment 1, which was reviewed by the Panel.

39.   Professor Lai sent the same instructor's solution for Assignment 1 to the Student and all the other teaching assistants. This was reviewed by the Panel.

40.   Mr. Yuen tried to work on completing Assignment 1, but found that he did not understand how to answer the questions. Mr. Yuen saw the Student at school and asked the Student to help him. The Student showed Mr. Yuen a computer file containing the instructor's solution. The Student tried to explain the assignment to Mr. Yuen, however he continued to have difficulty. Mr. Yuen asked the Student to provide him with the instructor's solution, which he did by WeChat.

41.   Mr. Yuen submitted his answer to Assignment 1 on or about February 8, 2018. The Panel reviewed Mr. Yuen's submission, which was adduced into evidence. It was nearly identical to the instructor's solution.

42.   The Student admits that he knowingly provided his copy of the instructor's solution to Mr. Yuen to permit him to use the solution to assist him in completing his assignment.

Lab Week 5: Haskell exercises part A (Charges #7 and #8)

43.   For the coding exercise assigned during Lab Week 5, students were required to complete Haskell exercises.

44.   Professor Lai provided students with starter code for Lab Week 5, which the Panel reviewed.

45.   Professor Lai sent a unique instructor's solution for Lab Week 5 to the Student. A copy of the instructor's solution that Professor Lai sent to the Student was adduced into evidence and reviewed by the Panel. Professor Lai sent a different instructor's solution to all of the other teaching assistants in the course. Some of the unique features contained in the instructor's solution sent to the Student consisted of characters and spacing that were not visible.

(a) Yuen

46.   Mr. Yuen messaged the Student on WeChat and asked for his assistance on Lab 5. The Student sent Mr. Yuen the instructor's solution by WeChat.

47.   Mr. Yuen submitted an answer for the Lab Week 5 assignment, which was reviewed by the Panel.

48.   Mr. Yuen's submission was nearly identical to the unique instructor's solution provided to the Student and is different than the solution provided to the other teaching assistants. Mr. Yuen's submission included the characters that were not visible, but were present in the unique instructor's solution that Professor Lai gave to the Student.

49.   The Student graded Mr. Yuen's submission and awarded it full marks. The Student's role was to give the lab either 0 or 1 (full marks) based on the style of coding (not the correctness or logic of the program). The Student did not notice that Mr. Yuen had submitted a solution which was identical or nearly identical to the solution of Professor Lai.

50.   The Student admits that he knowingly provided his copy of the instructor's solution to Mr. Yuen to permit him to use the solution to assist him in completing his assignment.

(b) W.

51.   Y.W. contacted the Student and asked for his assistance. The Student sent the instructor's solution to Y.W. by WeChat.

52.   Y.W. submitted an answer for the Lab Week 5 assignment. A copy of her submission was reviewed by the Panel. Y.W.'s submission was nearly identical to the unique instructor's solution that Professor Lai provided to the Student and is different than the solution provided to all the other teaching assistants. Y.W.'s submission included the characters that were not visible, but were present in the unique instructor's solution that Professor Lai gave to the Student.

53.   The Student admits that he knowingly provided his copy of the instructor's solution to Y.W. to permit her to use the solution to assist her in completing her lab. The Student did not review of grade Y.W.'s completed lab.

Lab Week 6: Haskell exercises part B (Charge #9)

54.   For the coding exercise assigned during Lab Week 6, students were required to complete further Haskell exercises.

55.   Professor Lai provided students with starter code for Lab Week 6.

56.   Professor Lai sent a unique instructor's solution for Lab Week 6 to the Student. This was reviewed by the Panel. Professor Lai sent a different instructor's solution to all of the other teaching assistants in the course. Some of the unique features contained in the instructor's solution sent to the Student consisted of characters and spacing that were not visible.

57.   Mr. Yuen had difficulty completing the coding exercise and messaged the Student on WeChat to ask for assistance with the coding exercise. The Student responded by sending Mr. Yuen a solution by WeChat. Mr. Yuen made some minor changes to the file that the Student sent to him and submitted it as his answer for the Lab Week 6 coding exercise. It was nearly identical to the instructor's solution.

58.   The Student admits that he knowingly provided his copy of the instructor's solution to Mr. Yuen to permit him to use the solution to assist him in completing his assignment.

Assignment 2 – February 17, 2018 (Charge #10)

59.   Assignment 2 in Programming Languages was due on February 17, 2018 and was worth 6% of the course.

60.   Professor Lai provided students with starter code for Assignment 2.

61.   Professor Lai sent a unique instructor's solution for Assignment 2 to the Student. This was reviewed by the Panel. The solution that Professor Lai sent to the Student was different from

the solution he sent to all other teaching assistants in the course. Some of the unique features contained in the instructor's solution sent to the Student consisted of characters and spacing that were not visible.

62.   Mr. Yuen submitted his answer to Assignment 2 on or about February 17, 2018. A copy of Mr. Yuen's submission was adduced into evidence. It was nearly identical to the unique instructor's solution provided to the Student and is different from the solution provided to the other teaching assistants. Mr. Yuen's submission included the characters that were not visible, but were present in the unique instructor's solution that Professor Lai gave to the Student.

63.   The Student admits that he knowingly provided the instructor's solution for Assignment 2 to Mr. Yuen to permit him to use the solution to assist him in completing the assignment.

The Student learns he is suspected of committing academic offences

64.   In late February or March 2018, the Student learned that Professor Lai suspected that he may have committed academic offences with Mr. Yuen and Y.W..

65.   Y.W. spoke with the instructor and the Dean's designate before speaking to the Student. She reported to the Student that she told the University's representatives that she had looked at the Student's computer screen while he had the answers open. She told the Student that she did not wish to get him in trouble because she felt sorry for putting him in this position. She told the Student that she would email the University a new story, in particular, that she surreptitiously accessed the Student's email to obtain the instructor's solutions because she had his UTORid. Y.W. asked the Student to tell the same story, and he agreed to do so.

66.   The Student admits that he then persuaded Mr. Yuen to lie to various university officials to align with Y.W.'s story. Mr. Yuen did lie to the university representatives by stating that he took photographs of the solutions when the Student showed them to him and that he received the lab answers from Y.W..

Meeting with Dean's Designate

67.   On April 24, 2018, the Student met with Professor Wanda Restivo, Dean's Designate for

Academic Integrity at the University of Toronto, Scarborough. During this meeting, the Student

admitted that he committed the acts of academic misconduct in Social Impact as described

above.

DISPOSITION ON CHARGES

68.   On the basis of the facts set out above, as well as the documents provided in the Joint

Book of Documents, the Tribunal determined that it was appropriate to accept the Student's

guilty pleas and entered the finding that the Student was guilty of charges 1, 2, 4 to 10.

69.   On the basis the Tribunal's conviction of the Student on charges 1, 2, 4 -10, the Provost

withdrew charges #3 and 11.

DECISION ON PENALTY

70.   The Student and the University submitted a Joint Submission on Penalty in support of the

following penalty:

    (a)   the imposition of a final grade of zero in CSC D03;

    (b)   the suspension of the Student from the University for five years;

    (c)   a recommendation to the President that he recommend to the Governing Council
        that the Student be expelled from the University of Toronto; and

    (d)   the reporting of this case 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.

72.   Although this matter was presented to the Panel by way of an Agreed Statement of Facts
    and Joint Submission on Penalty (both of which were submitted voluntarily by the Student
    after having been advised of his right to obtain independent legal advice and after having
    done so), we are still required to consider the *C* factors (Case No. 1976/77-3 November 5,

1976) to support our decision on penalty: character of student, likelihood of repetition of the offence, nature of the offence committed, existence of extenuating circumstances, detriment to the University and general need for deterrence.

Character

73.   With respect to the Student's character, we know that he has no prior history of academic misconduct at the University. However, he violated the *Code* as a student, and engaged in an extraordinary breach of trust as a teaching assistant. His actions were not isolated, but repeated. The fact that the incidents occurred with two students and happened repeatedly indicates that the Student did not suffer a momentary lapse of judgment. The Student then actively concealed the true facts from the University. As the investigation proceeded, the Student lied to the Dean's designate and proffered a fabricated set of facts. The Student has exhibited a disregard for the *Code*, which reveals a dishonesty in character. We note that the Student, to his credit, has proceeded at hearing by way of a guilty plea, an Agreed Statement of Facts and a Joint Submission on Penalty. This is evidence of his ultimate cooperation and possibly remorse, however, his cooperation came only after having engaged in a cover-up scheme and having been "caught".

The likelihood of a repetition of the offence

74.   The Panel hopes that the Student has learned from this experience and will never commit such ethical breaches again. The Student did ultimately confess to his dishonesty, but only after having engaged in a conspiracy to mislead the University. The fact that the Student originally conspired with the other students to avoid sanction suggests he would likely commit such an offence if he thought he would not get caught. Furthermore, his own academic dishonesty as a student, plus his academic dishonesty as a teaching assistant with two students, not just one, and on repeated occasions, also contributes to the likelihood that he would commit other offences.

The nature of the offence committed

75.   The offences committed by the Student are serious. He admits that he knowingly had Mr. Meng personate him in order to obtain academic credit for work that he did not complete. He admits that he knowingly provided his copy of the instructor's solutions to two students

while serving as a teaching assistant. He also admits that he knew that he received those solutions in his capacity as a teaching assistant and for his authorized duties only. He knew that he was not permitted to give, show, or make the instructor's solutions available to students. He admits that he knew or ought to have known that doing so would breach the *Code* and violate his obligations as a tutorial assistant. Yet he did so repeatedly, with two students. He was aware of what he was doing, and he was aware that his actions were in breach of the *Code*. He then deliberately misled the University in its investigation.
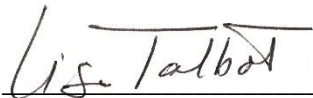
The extenuating circumstances

76. Extenuating circumstances may be mitigating factors or aggravating factors.

77. In this case, the mitigating factors are that the Student entered into guilty pleas. He cooperated with the University by signing an Agreed Statement of Facts and agreeing to Joint Submissions on Penalty. This allowed for time and expense to be spared.

78. The aggravating factors are that the Student knowingly committed multiple offences and engaged in a scheme to cover-up the true facts from the University. He could have stopped at any time but did not do so. The Student engaged in a gross breach of the trust placed in him as a teaching assistant.

The need to deter others from committing a similar offence

79. The University has an important interest in protecting the integrity of the institution. Such integrity is fundamental to the academic relationship. It is important that students are deterred from committing offences of academic dishonesty. It is important that teaching assistants, who are in a unique position of trust among the students at the University, be beyond reproach. Students must know that knowingly breaching the *Code* will not be tolerated. They must also know that they cannot seek to obtain unfair benefits from teaching assistants. Teaching assistants must understand that any violation of their position of trust will be treated with great severity.

80. There is a very high threshold for departing from a joint submission on penalty requiring the Panel to find that the acceptance of same would be contrary to the public interest and bring the administration of justice in to disrepute.

81.   The Panel sees no reason to depart from the Joint Submission on Penalty. After considering all of the above factors, and the cases provided by the University, the Tribunal is satisfied that the suggested penalty in the Joint Submission on Penalty is appropriate.

82.   An Order was signed at the hearing by the Panel on the following terms:

1. The Student shall receive a final grade of zero in the course CSCD03;

2. The Student be suspended from the University of Toronto for five years from the date of this Order;

3. A recommendation be made to the President of the University that he recommend to the Governing Council that the Student be expelled from the University, and

4. 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 on May 5th, 2020

Lisa Talbot

Lisa Talbot
Chair