

**UNIVERSITY OF TORONTO
UNIVERSITY TRIBUNAL
TRIAL DIVISION**

IN THE MATTER OF charges of academic dishonesty made on October 30, 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 -

YI [REDACTED] W [REDACTED] (the “Student”)

REASONS FOR DECISION

Hearing Dates: January 29, 2020 and May 7, 2020 (via Zoom)

Members of the Panel:

Ms. Lisa Talbot, Chair
Professor Margaret MacNeill, Faculty Member
Mr. Jin Zhou, Student Member

Appearances:

Mr. Robert A. Centa, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Ms. Megan Phiffer, Law Student, Paliare Roland Rosenberg Rothstein LLP
Ms. Olivia Eng, Law Student, Paliare Roland Rosenberg Rothstein LLP
Ms. [REDACTED], the Student

THE CHARGES

1. This matter arises out of charges of academic misconduct filed on October 30, 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 the course “Principles of Programming Languages” (“Programming Languages” or “CSC C24”) in which Ms. ■■■ (the “Student”) was registered.

3. The charges are as follows.

A. Charges

1. On or about January 25, 2018, the Student knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection Lab 3 in the course CSCC24, contrary to section B.I.1(b) of the *Code*.
2. On or about February 1, 2018, the Student knowingly did or omitted to do something for the purpose of aiding or assisting a student, C■■■ Y■■■ to obtain unauthorized assistance in connection with Lab 4 in Programing Languages, contrary to section B.I.1(b) of the *Code*.
3. On or about February 3, 2018, the Student knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with Lab 5 in Programming Languages, contrary to section B.I. 1(b) of the *Code*.
4. On or about February 8, 2018, the Student knowingly did or omitted to do something for the purpose of aiding or assisting a student, C■■■ Y■■■ to obtain unauthorized assistance in connection with Lab 5 in Programming Languages, contrary to section B.I.1(b) of the *Code*.
5. On or about February 15, 2018, the Student did or omitted to do something for the purpose of aiding or assisting a student, C■■■ Y■■■, to obtain unauthorized

assistance in connection with Lab 6 in Programming Languages, contrary to section B.I.1(b) of the *Code*.

6. In the alternative to each of charges 1 to 5, the Student knowingly did or omitted to do something 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*.

4. At the outset of the hearing, the Provost withdrew charges 2, 4 and 5.

THE HEARING

5. The Tribunal conducted a hearing on January 29, 2020. The Student did not attend. On reading the affidavit of service of Susan Murphy, sworn November 12, 2018, the affidavit of service of Nusaiba Khan affirmed December 18, 2019, the affidavit of Mike Wiseman, affirmed January 16, 2020, and the affidavit of Sharon Hawley, affirmed January 16, 2020, and in consideration of the Policy on Official Correspondence with Students approved May 1, 2006, the Tribunal found that the Student was served with the Charges and the Notice of Hearing dated December 13, 2019 and received reasonable notice of the hearing. The Tribunal ordered that the hearing proceed in her absence.

6. At the January 29, 2020 hearing, the Tribunal found that the Student was guilty of two counts of the academic offence of knowingly obtaining unauthorized assistance, contrary to section B.I.1(b) of the *Code*, those being charges 1 and 3. The Panel also heard the Provost's submissions on penalty.

7. Although it was not required to do so, the Panel adjourned for 14 days so that the Student may receive a further opportunity to make submissions on penalty. The deadline to make a request to participate in a continuation hearing was February 13, 2020.

8. On April 9, 2020, the Student contacted the office of the Governing Council, Appeals, Discipline and Faculty Grievances, requesting a further opportunity to attend before the Tribunal to make submissions on sanction only. Notwithstanding the deadline to make such request had passed, the request was granted and a continuation hearing took place on May 7, 2020 by

videoconference.¹ The sole purpose of the continuation hearing was to hear submissions in respect of penalty. The Student attended the continuation hearing on May 7, 2020 and had an opportunity to make her submissions to the Tribunal.

9. The hearing of this matter followed the Panel's hearing in the related matter of *the University of Toronto and V.T. (Case No.: 980, May 5, 2020)* in which it made certain findings of fact to which it refers herein.

THE FACTS

10. In Winter 2018, Professor Albert Lai taught CSC C24, Principles of Programming Languages ("Programming Languages"). V.T. was a teaching assistant in the course (the "Teaching Assistant"). The Student and C■■■Y■■■ were both students registered in Programming Languages. The Student was not a member of the Teaching Assistant's tutorial group.

11. 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.

12. Additional information about Programming Languages was found on the course website, a copy of which was adduced into evidence.

13. Each week, the Teaching Assistant was responsible for running a two-hour tutorial. During most tutorials, the Teaching Assistant would present information to his class. The students would then do coding exercises based on "starters" provided by Professor Lai to the students. The Teaching Assistant 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.

14. 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

¹ The Tribunal notes that evidence was adduced at the continuation hearing that someone had accessed the Student's UTorid account on March 3 and March 23.

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 the coding exercises and assignments correctly. The Tribunal accepts the evidence of Professor Lai that 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.

15. The Teaching Assistant received the instructor's solutions for all of the coding exercises and assignments from Professor Lai.

Relationship between the Student and the Teaching Assistant

16. The Student knew the Teaching Assistant personally before the term started. As described below, the Student received unauthorized assistance from the Teaching Assistant. Such assistance was unauthorized and a breach of the *Code*.

17. The Student did not pay the Teaching Assistant for his assistance.

Lab Week 3: Basic Scheme Exercises (Charge #1)

18. 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.

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

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

21. The Teaching Assistant sent the Student a copy of the Lab Week 3 solution by WeChat. The Student made some minor changes to the file that the Teaching Assistant 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. The Student's submission was nearly identical to the instructor's solution.

22. In the matter of the University of Toronto and V.T., *supra*, the Teaching Assistant admitted that he knowingly provided his copy of the instructor's solution to the Student to permit

her to use the solution to assist her in completing her lab. The Teaching Assistant did not review or grade the Student's completed lab.

Lab Week 5: Haskell exercises part A (Charge #3)

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

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

25. Professor Lai sent a unique instructor's solution for Lab Week 5 to the Teaching Assistant. A copy of the instructor's solution that Professor Lai sent to the Teaching Assistant 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 Teaching Assistant consisted of characters and spacing that were not visible.

26. In the related matter of the University of Toronto and V.T., *supra*, the Tribunal found that Ms. ■■■ contacted the Teaching Assistant and asked for his assistance; and that the Teaching Assistant sent the instructor's solution to the Student by WeChat.

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

28. In the related matter of the University of Toronto and V.T., *supra*, this Tribunal found that the Teaching Assistant knowingly provided his copy of the instructor's solution to the Student to permit her to use the solution to assist her in completing her lab. The Teaching Assistant did not review the grade the Student's completed lab.

The Teaching Assistant learns he is suspected of committing academic offences

29. In late February or March 2018, the Teaching Assistant learned that Professor Lai suspected that he may have committed academic offences with Mr. Y■■■ and the Student.

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

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

DISPOSITION ON CHARGES

32. On the basis of the facts set out above, as well as the evidence adduced in the Book of Documents, the Tribunal determined that the Student was guilty of charges 1 and 3.

33. On that basis, the Tribunal's conviction of Mr. █ the Student on charges 1 and 3, the Provost withdrew charge 2, 4, 5, and 6.

DECISION ON PENALTY

34. The University submitted that the following penalty should be imposed:

- a) the imposition of a final grade of zero in CSC C24;
- 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.

35. The Student admitted that she engaged in misconduct and accepted the University's proposed sanctions. Nonetheless, we are still required to consider the *C. factors* (Case No.: 1976/77-3, November 5, 1976) to make an independent 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

36. With respect to the Student's character, we know what is revealed by the acts of misconduct found to have been committed. The Student was prepared on two occasions to take unauthorized assistance and to copy the instructor's solutions. The Student was prepared to exploit her relationship with a Teaching Assistant to obtain unauthorized assistance in a course in which she was registered. The Student's actions were not isolated, but repeated, indicating that the Student did not suffer a momentary lapse of judgment. The Student was prepared to mislead and lie repeatedly to the University about the misconduct when confronted. In her submissions, the Student admitted that she understood that what she did was wrong, but that she did it anyway. The Student also admitted that she was prepared to concoct a lie to the University in an attempt to exonerate the Teaching Assistant, whose own conduct was a breach of the *Code*. While her eventual admission of wrongdoing at the May hearing is to her credit, that must be balanced against her sustained lies to the University over many months, and the fact that her cooperation and remorse only came after conviction on the charges against her. Further, the Panel noted that the Student continued to downplay the gravity of her misconduct by pointing out that she chose to cheat on labs because that was not as serious as cheating on an exam. The Tribunal finds that the Student exhibited dishonesty and unethical character.

The likelihood of a repetition of the offence

37. The Panel hopes that the Student has learned from this experience and will never commit such ethical breaches again. The Panel notes that she ultimately admitted her misconduct, expressed remorse and indicated that she was prepared to accept the consequences. The Panel does note, however, that she did so only at the continuation hearing, after having engaged in a conspiracy to mislead the University over many months. The fact that the Student originally conspired with other students to avoid sanction for herself and for the Teaching Assistant suggests she would likely commit such an offence if she thought she would not get caught or to protect another student engaging in misconduct. The fact that

the Student sees a distinction between cheating on a lab and cheating on an exam suggests she would likely cheat again if she thought it wasn't "serious". That she engaged in multiple breaches of the *Code* also contributes to the Tribunal's view that there is a likelihood of the Student committing ethical breaches again.

The nature of the offence committed

38. The offences committed by the Student are serious. She was aware of what she was doing, and she was aware that her actions were in breach of the *Code*. She then deliberately misled the University in its investigation.

The extenuating circumstances

39. Extenuating circumstances may be mitigating factors or aggravating factors.
40. In this case, the mitigating factors are that the Student ultimately admitted her misconduct and expressed remorse. Other mitigating factors offered by the Student – that she lied to protect a friend, and that she didn't have time to do the labs herself because of other course work and examinations – we do not accept as such.
41. 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.

The need to deter others from committing a similar offence

42. 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. 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 with whom they share a social network, or at all, and that doing so constitutes a breach of trust by everyone involved.
43. After considering all of the above factors, and the cases provided by the University, the Tribunal is satisfied that the Provost's suggested penalty is appropriate.

44. An Order was signed at the hearing by the Panel on the following terms:
- a) the hearing on January 29, 2020, may proceed in the absence of the Student;
 - b) the Student is found guilty of two counts of the academic offence of knowingly obtaining unauthorized assistance, contrary to section B.I.1(b) of the Code of Behaviour on Academic Matters;
 - c) the Student shall receive a final grade of zero in the course CSCC24;
 - d) that the Student be suspended from the University for up to five years from the date of this Order;
 - e) to the President of the University that he recommend to the Governing Council that the Student be expelled from the University.
 - f) 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.

All of which is hereby ordered this 6th day of July, 2020.

A handwritten signature in black ink that reads "Lisa Talbot". The signature is written in a cursive style with a horizontal line above the name.

Lisa Talbot

Chair