

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty made on January 8, 2020,

**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 (the “University”)**

- and -

**A [REDACTED] [REDACTED] (the “Student”)**

**REASONS FOR DECISION**

**Date of Hearing:** April 1, 2021, via Zoom

**Members of the Panel:**

Ms. Sabrina A. Bandali, Chair  
Professor Ken Derry, Faculty Panel Member  
Ms. Alice Zhu, Student Panel Member

**Appearances:**

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP  
Mr. Stuart Leary, Downtown Legal Services, for the Student

**Hearing Secretary:**

Ms. Carmelle Salomon-Labbé, Associate Director, Office of Appeals, Discipline and Faculty Grievances

**In Attendance:**

The Student

## Introduction

1. A hearing before the Trial Division of the University Tribunal (the “Tribunal”) was convened on April 1, 2021 to consider charges brought by the University against the Student under the University of Toronto’s *Code of Behaviour on Academic Matters, 1995* (the “Code”).

## The Charges

2. The charges against the Student (the “Charges”) are as follows:

- (a) On August 15, 2019, you knowingly falsified a document or evidence required by the University of Toronto (“University”), namely, you wrote a false name and address on your examination booklet during the final examination in MAT223H1F (the “Course”), or you knowingly uttered, circulated or made use of that forged, altered or falsified evidence, contrary to section B.I.1(a) of the *Code* (“**Charge No. 1**”).
- (b) In addition and in the alternative, on August 15, 2019, you knowingly forged or in any other way altered or falsified an academic record, namely, your examination booklet for the final examination in the Course, or you knowingly uttered, circulated or made use of that forged, altered or falsified academic record, contrary to section B.I.3(a) of the *Code* (“**Charge No. 2**”).
- (c) In the further alternative, on or about August 15, 2019, you knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation in order to obtain academic credit or other academic advantage of any kind, by writing a false name and address on your examination booklet during the mid-term examination in the Course, contrary to section B.I.3(b) of the *Code* (“**Charge No. 3**”).

3. Particulars of the Charges are as follows:

- (a) At all material times you were a student in the Faculty of Arts & Science at the University of Toronto and were registered in the Course in the Fall 2018 term.
- (b) You were granted permission to write a deferred exam in the Course. You elected to do so on August 15, 2019, when a final examination was held in the Course for the 2019 Summer term.
- (c) You attended the final examination. You knowingly wrote “Christina Huang” and “Christina.Huang” and “Huangch” on the cover of your examination booklet instead of your own name and email address and UTORid. You then submitted the examination booklet with the incorrect name and email address and UTORid on the cover of the book.

- (d) You knowingly submitted the examination booklet in an attempt to obtain an academic advantage.

### Agreed Statement of Facts

4. The hearing proceeded on the basis of an Agreed Statement of Facts (the "ASF"). The key portions are summarized here.

### ***The Student's Academic History***

5. The Student first registered as a student at the University of Toronto in the John H. Daniels Faculty of Architecture, Landscape and Design in the Fall 2015 term. At all material times, she remained a student at the University.

6. As of February 22, 2021, the Student had earned 20 credits and had a CGPA of 2.62.

### ***MAT223H1***

7. In Fall 2018 the Student enrolled in MAT223H1: Linear Algebra ("Course"). She did not write either of the two mid-terms in the Course. As a result, the Student was required to write a final exam in the Course which was worth 90% of her final Course mark.

8. The Student did not write the final exam during the Fall 2018 term but obtained permission to write a deferred exam at a later date.

9. In the 2019 Summer term the Course was taught by Professor Omar Kidwai. Professor Kidwai was not the Course instructor in the Fall 2018 term when the Student was enrolled in the Course. The Student was not enrolled in the Course during the 2019 Summer term.

10. On August 14, 2019 the Student sent two emails to Professor Kidwai. The first informed him that she would be writing his final exam in the Course the following day with the students who were enrolled in the Course at that time, and asked him questions about the Course content. The second requested access to the Course content.

11. The final exam in the Course in the 2019 Summer term was written on August 15, 2019 ("Exam" or "MAT223 Exam").

12. Students who attended the Exam were required to sign an attendance sheet ("Exam Attendee List").

13. The Student entered her name and UTORid and signature by hand on the Exam Attendee List (page 33 of the Joint Book of Documents ("JBD")) under the last name on the typewritten class list. Her name did not appear on the typewritten class list because she was not enrolled in the Course during that 2019 Summer term, but was writing a deferred exam at that time for credit in the Course held in the Fall 2018 term.

14. Ninety-four students were counted writing the Exam in the room, ninety-four signatures were collected on the Exam Attendee List, and ninety-four exams were collected on August 15, 2019. Each Exam paper consisted of 22 pages.

15. At the end of the Exam, Professor Kidwai and the Course Teaching Assistants ("TAs") collected the exam papers and scanned them directly to Professor Kidwai's Gmail account. Ninety-four exams from the MAT223 Exam were scanned at that time.

16. Between August 15 and 17, 2019, Professor Kidwai uploaded the scanned MAT223 Exams to the Crowdmark online grading system. By August 17, 2019 he had uploaded a total of 2,068 pages to Crowdmark for grading. He subsequently uploaded an additional 198 pages from nine exams, which had been written separately through Accessibility Services.

17. In total, Professor Kidwai uploaded a total of 2,266 pages from a total of 103 exam booklets to Crowdmark. He and the TAs proceeded to mark these exam papers.

18. On August 30, 2019, Professor Kidwai received another email from the Student in which she asked when she could expect to receive her grade for the MAT223 Exam.

19. Professor Kidwai had no record of having received an exam from the Student on August 15, 2019. He had no physical exam paper with her name on it, no exam in Crowdmark with her name on it, and no marks recorded for an exam in her name.

20. On September 6, 2019, the Student wrote to Professor Kidwai to describe in detail where she was sitting during the MAT223 Exam, and to explain that she had added her name to the bottom of the Exam Attendee List.

21. Despite numerous checks, Professor Kidwai was unable to find an exam with the Student's name on it. Professor Kidwai identified one exam paper that had the name Christina Huang on its front cover ("Huang Exam"). There was no student named Christina Huang in his class. No one named Christina Huang was enrolled in MAT223H1 at any time in 2018 or 2019. No one named Christina Huang signed the Exam Attendee List and that name did not appear on the list of students eligible to write a deferred exam in the Course.

22. The Huang Exam was almost blank, except for the name, email address and UTORid entries on the front page in blue ink ("Identifying Entries"), and one handwritten answer in pencil at question 3(a). The Huang Exam received a mark of zero. The section of the front page of the Huang Exam containing the Identifying Entries contained erased writing under the Identifying Entries ("Erased Entries").

23. After the Student informed Professor Kidwai that she had written the Exam, he counted the number of exam papers again and checked the hard copies of the exam papers to see if there was an exam with her name on it. He double-checked that the number of exams collected from the Exam room on August 15 matched the number of

signatures on the Exam Attendee List, and that the uploaded Crowdmark page numbers matched the total number of exams collected. Professor Kidwai could not find anything to suggest that the Student handed in an exam paper with her name on it during the Exam.

24. The following additional searches were made to try to find an exam with the Student's name on it:

a) On or about September 11, 2019, Pascal Massinon, an Exams Assistant at the Office of the Faculty Registrar, reviewed all of the exams contained in the box holding all of the physical MAT223 Exam papers. He was unable to find one with the Student's name on it.

b) On or about September 20, 2019, Pascal Massinon reported that a review of the Quercus database showed no results for anyone named Christina Huang having been enrolled in the Course in Summer 2019, and no results for the email address [christina.huang@mail.utoronto.ca](mailto:christina.huang@mail.utoronto.ca) as written on the front of the Huang Exam. Similarly, no results were returned for the email address [christian.huang@mail.utoronto.ca](mailto:christian.huang@mail.utoronto.ca).

25. The Student attended a meeting with the Dean's Designate on November 19, 2019, to discuss the allegation that she submitted the Huang Exam in lieu of an exam paper in her own name. She denied having done so.

26. The Student now admits that she:

a) attended the Exam on August 15, 2019, at which she signed the Exam Attendee List and wrote her name, student number and official utoronto email address on the first page of the midterm examination booklet;

b) was unable to answer the Exam questions;

- c) erased and crossed out her own name, email address and student number to make them illegible, and replaced those with the fictitious name Christina Huang, a scribbled out student number, and a fictitious email address [Christina.huang@mail.utoronto.ca](mailto:Christina.huang@mail.utoronto.ca);
- d) submitted the Huang Exam booklet with the Identifying Entries containing an incorrect name, email address and student number on its cover at the completion of the examination. She did not submit an Exam with her name and identifying information on it;
- e) submitted the Huang Exam to make it appear that she had not written it; and
- f) made her assertions to Professor Kidwai that she was expecting to receive a mark for her Exam to support the fiction that she had submitted an Exam booklet with her name and other identifying information on it, knowing that there was no Exam in Professor Kidwai's possession containing her name or other identifying information, and knowing that she was not entitled to a mark for the Exam.

27. The Student admits that, by submitting the Huang Exam bearing the fictitious name, email address and student number she knowingly:

- a) falsified evidence required by the University of Toronto, and circulated or made use of that falsified evidence, contrary to section B.1.1(a) of the Code;
- b) falsified an academic record and circulated and made use of that academic record, contrary to s. B.1.3(a) of the Code; and
- c) engaged in a form of cheating, academic dishonesty or misconduct, or made a misrepresentation in order to obtain an academic advantage, contrary to section B.1.3(b) of the Code.

### Decision of the Panel on the Charges

28. The onus is on the University to establish on the balance of probabilities, using clear and convincing evidence, that one or more of the academic offences charged has been committed by the Student.

29. In this case, the Student admitted and pled guilty to all three Charges. The Panel was satisfied that the Student's admissions were voluntary, informed and unequivocal. Further, the evidence contained in the ASF and supporting documentation provided a clear evidentiary basis for a finding of guilt.

30. Following deliberations and based on the ASF and its supporting documentation, the Panel concluded that Charge No. 1 had been proven with clear and convincing evidence on a balance of probabilities, and accepted the guilty plea of the Student in respect of that charge. The Panel was advised at the hearing that if the Student is convicted on Charge No. 1, the University would withdraw the alternative Charge Nos. 2 and 3.

### Submissions on Penalty

31. The University submitted that the Tribunal should impose the following sanctions on the Student:

- a) a final grade of zero in MAT223H1F (Fall 2018);
- b) a suspension from the University from the date of the order for two years from April 1, 2021 to March 31, 2023;
- c) a notation of the sanction on the Student's academic record and transcript from the date of the order for three years from April 1, 2021 to March 31, 2024; and
- d) that this case be reported to the Provost of the University of Toronto (the "Provost") for publication of a notice of the decision of the Tribunal and the sanction imposed, with the name of the Student withheld.



32. The University acknowledged that the Student had cooperated and attended the hearing, and that she took responsibility for her actions through her guilty plea. The Student had no prior offences. The University submitted, however, that it is a serious matter to suggest an exam was lost, as it is an attempt to undermine the integrity of the professor whose was responsible for the administration of the exam.

33. The Student submitted that the Tribunal should impose the following sanctions on the Student:

- a) a final grade of zero in MAT223H1F (Fall 2018);
- b) a suspension from the University from the date of the order for one year, i.e. from April 1, 2021 to March 31, 2022;
- c) a notation of the sanction on the Student's academic record and transcript from the date of the order for two years, i.e. from April 1, 2021 to March 31, 2023; and
- d) that this case be reported to the Provost of the University of Toronto (the "Provost") for publication of a notice of the decision of the Tribunal and the sanction imposed, with the name of the Student withheld.

34. The Student submitted that there was no evidence that the conduct was pre-planned and that the Student had no prior offences or disciplinary matters. The Student has accepted that it was wrong. In the Student's view, there is little risk of repetition because the Student has completed enough credits to graduate. The nature of the offence was not on the severe end of the spectrum and no real person was implicated by the Student's use of a fictitious name.

#### Decision of the Panel on Penalty

35. The Panel considered the factors and principles relevant to sanction set out by this Tribunal in *University of Toronto and Mr. C* (Case No. 1976/77-3, November 5, 1976), namely the character of the Student, the likelihood of repetition of the offence, the nature of the offence committed, any extenuating circumstances surrounding the commission of

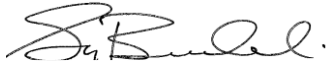
the offence, the detriment to the University occasioned by the offence, and the need to deter others from committing similar offences (page 12).

36. In this case, the Panel considered in particular the serious nature of the offence, the lack of extenuating circumstances, and the need for general deterrence. Balanced against these factors are the Student's cooperation in the process and entry into the ASF. She admitted guilt, expressed that she is remorseful for her actions, and attended the hearing, which reflects the Student's character and demonstrates that she is taking responsibility for her actions. She had no prior offences. The Panel was advised that the Student has completed her requirements to graduate, and so the likelihood of repetition is low.

37. Having regard to the above, and based on its review of the cases presented by counsel, the Panel agreed that sanctions within the range defined by the parties' respective submissions would be reasonable in the circumstances, and made the following order:

- a) The Student is guilty of one count of knowingly falsifying a document or evidence required by the University of Toronto, contrary to section B.I.1(a) of the Code.
- b) The following sanctions shall be imposed on the Student:
  - i. a final grade of zero in the course MAT223H1F (Fall 2018);
  - ii. a suspension from the University from April 1, 2021 to January 1, 2023; and
  - iii. a notation of the sanction on his academic record and transcript from April 1, 2021 to January 1, 2024.
- c) 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 29<sup>th</sup> of June, 2021,

A handwritten signature in black ink, appearing to read "S. Bandali".

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Sabrina A. Bandali, Chair  
On behalf of the Panel