

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on June 1, 2021,

**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:**

**UNIVERSITY OF TORONTO (the “University”)**

**- and -**

**P [REDACTED] L [REDACTED] (the “Student”)**

**REASONS FOR DECISION**

**Hearing Date:** July 6, 2021, via Zoom

**Panel Members:**

Ms. Michelle S. Henry, Chair

Professor Michael Evans, Faculty Panel Member

Ms. Parsa Mahmud, Student Panel Member

**Appearances:**

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

Mr. Ryan Shah, Summer Student, Paliare Roland Rosenberg Rothstein LLP

Mr. Antone Liu, Counsel for the Student, L&B LLP

**Hearing Secretary:**

Ms. Krista Kennedy, Administrative Clerk & Hearings Secretary, Appeals, Discipline and Faculty Grievances

**Not in Attendance:**

The Student

1. A Hearing of the Trial Division of the University Tribunal convened on July 6, 2021, to consider charges of academic dishonesty brought by the University against the Student, under the *Code of Behaviour on Academic Matters*, 1995 (the “Code”). The Student was informed of the charges by letter dated June 1, 2021, from Professor Heather Boon, Vice-Provost, Faculty & Academic Life.

## **THE CHARGES**

2. At all material times, the Student was a registered student in the Faculty of Arts & Science at the University of Toronto. The University alleges that the Student engaged in the following offences:
  - i. On or about February 23, 2021, the Student knowingly had someone personate her in the midterm examination in ECO461H1S (20211) (the “Course”), contrary to section B.I.1(c) of the Code.
  - ii. In the alternative to Charge #1, on or about February 23, 2021, she knowingly used or possessed an unauthorized aid or obtained unauthorized assistance in connection with the midterm examination in the Course, contrary to section B.I.1(b) of the *Code*.
  - iii. In the further alternative to Charges #1 and 2, 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 the midterm examination in the Course, contrary to section B.I.3(b) of the *Code*.
3. The particulars related to Charges #1, 2 and 3 are as follows:
  - a. Professor Ata Mazaheri taught the Course, which required the Student to take a midterm examination worth 40% of the final grade.
  - b. The Student knew that students were required to complete the examination themselves and without any assistance or aids, except for those that were specifically authorized by Prof. Mazaheri.

- c. The Student knowingly hired another person to write the examination in her name. On or about February 23, 2021, this person wrote the examination in the Student's name and submitted it on Quercus using the Student's account.
- d. The examination required students to submit a picture of their photo identification to attest and ensure that the students themselves were completing the examination. The examination submitted using your Quercus account included the photo identification of a different University of Toronto student.
- e. The Student knowingly received unauthorized assistance in the examination by having someone else complete it for her.
- f. For the purposes of obtaining academic credit and/or other academic advantage, the Student knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation by having someone else write the examination for you.

#### **AGREED STATEMENT OF FACTS**

- 4. The Hearing proceeded on the basis of an Agreed Statement of Facts ("ASF"). The Panel also received a Joint Book of Documents ("JBD") that is referred to in the ASF. The following is an abridged version of the ASF.
- 5. The Student first registered as a student in the Faculty of Arts & Science at the University of Toronto in Fall 2016. As of June 7, 2021, she has earned 19.50 credits.
- 6. In Winter 2021, the Student enrolled in ECO461 – Economics of Financial Risk Management (the "Course"), which was taught by Professor Ata Mazaheri. The Course was taught via remote / on-line learning. The assessments for the Course were open book; but the assessments were to be done individually.
- 7. The midterm examination was an online exam on Quercus on February 23, 2021, from 9:00 to 11:00 a.m. The instructions for the final assessment repeated the warning to students that they must work individually. In addition, students were required to submit a signature sheet and provide proof of identification.

8. At the end of the mid-term test, two students appeared to have uploaded each other's ID: the Student uploaded the solution with the photo ID and signature of another student and the other student uploaded the solution with photo ID and signature of the Student.
9. Dr. Mazaheri found this to be suspicious and set the two answers aside for a further investigation.
10. On March 1, 2021, the Student sent an email to Dr. Mazaheri admitting to the misconduct. The email read as follows:

Dear Dr. Mazaheri,

This is [Student's Name]. I have realized my mistake and I need to tell you the truth. I cheated during the midterm, which means I found another person to help me to do the test. Due to COVID-19, I come back to China and I was told that my mother got thyroid cancer and breast cancer. I am so stressful and falling apart. Those things made me feel tired, and I can't sleep at night. Before the midterm, I felt nervous and I didn't think I would do well on the test, because I was not prepared well for that. Because the weight of the test is so high, I don't want to get a low mark from the midterm since I need to get a great grade from the course for applying for the graduate program and because this is my final year, the course is so important for me. Since my CGPA is 3.64, and the GPA for last semester is 3.5. I want to apply to graduate schools, so I want to improve my GPA. I have a preferred graduate program that requires me to have a higher GPA. As a result, I found a third party to help me do the midterm to improve my grade, and this is really the first time for me to do that. I understood it is a huge mistake, and I should do it by myself. I should never let other people do my work. I worked so hard for this course, and because I feel unsure of myself and I have lots of doubt, I made this ridiculous decision and I really regret it.

I know it is all my fault and I am so sorry, and I deeply regret what I did. I am so afraid and I don't know what I should do. This will never happen again, and I promise! From this experience, I know how serious cheating is to my studies. I have applied for several graduated programs, and if I mess up this course, it would influence me significantly. I really understand my problem, and I want to beg you for your forgiveness. I would study harder for the final, and I will never be dishonest. Please trust me!

Once again, I will never do that in the future, and I have realized my mistake. This is the first time for me to do that, and it would also be the last time. I'm so

sorry about that. Could you please forgive me and give me another chance on the final, or could you please tell me what I should do to make up for this mistake? I would definitely do the final by myself with no other people's help. This course is so important to me and my future studies, and please forgive me this time, and this is the last time for me to do that. Thanks so much!

Best Wishes,  
[Student's Name]

### ***Meeting with Dean's Designate***

11. On April 8, 2021, the Student met with Professor Jennifer Purtle, the Dean's Designate for Academic for the Faculty of Arts & Science. The Student admits that Prof. Purtle read her the required warnings from the *Code of Behaviour on Academic Matters*.
12. The Student admitted that she did not think that she would do well on the midterm. She then saw an advertisement on WeChat from someone who said that they would help students take tests. The Student admitted to hiring this person who had the WeChat identifier <SkyIsWhite> to write the test for her. The Student paid \$200 through WeChat Pay to SkyIsWhite.
13. The Student admitted that she permitted SkyIsWhite to log in to her Quercus account using her login credentials and to complete the midterm examination in her name.
14. The Student confirms that the statements she made to the Dean's Designate were true and accurate.

### ***Admissions and Acknowledgements***

15. The Student acknowledges and admits that:
  - a. She knew that she was not permitted to have any assist her during the midterm examination;
  - b. She knowingly paid \$200 to someone using the WeChat identifier SkyIsWhite to write the mid-term examination for her, which the Student knew to be unauthorized assistance;
  - c. She is guilty of having another person personate her during the mid-term examination in the Course.

## **FINDINGS ON CHARGES**

16. Following deliberations and based on the ASF and the JBD, the Panel concluded that charge 1 (the Student knowingly had someone personate her in the midterm examination in the Course, contrary to section B.I.1(c) of the Code) had been proven with clear and convincing evidence on a balance of probabilities, and accepted the guilty pleas of the Student in respect of this charge.
17. The Panel was advised that if the Tribunal convicts the Student on charge 1, outlined above, the University would withdraw the alternative charges. Accordingly, the Panel makes no findings with respect to charges 2 and 3.

## **PENALTY**

18. The University and the Student submitted a Joint Submission on Penalty (“JSP”) recommending the following penalty:
- a. a final grade of zero in ECO461H1;
  - b. a suspension from the University for 5 years commencing from the date the Tribunal makes its order and;
  - c. a notation of the sanction on the Student’s academic record and transcript for 5 years from the date the Tribunal makes its order.
19. The parties also agreed that this case would 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.
20. Assistant Discipline Counsel provided submissions on the high threshold required for a Tribunal to deviate from the JSP. As set out in the Appeals Board in *The University of Toronto and S.F.* (Case No. 690, October 20, 2014), only truly unreasonable or “unconscionable” joint submissions should be rejected (para. 22).

21. The Panel also heard submissions regarding the appropriateness of the penalty, reviewed relevant past decisions of the Tribunal submitted by the University, and considered the factors set out in *University of Toronto and Mr. C.* (File 1976/77-3, November 5, 1976), namely: 1) the character of person charged; 2) the likelihood of repetition of the offence; 3) the nature of offence committed; 4) any extenuating circumstances surrounding the commission of the offence; 5) detriment to the University occasioned by the offence; and 6) the need to deter others from committing a similar offence.
22. With respect to her character, the Student's admission of wrongdoing came very early on, and she provided a candid explanation and provided helpful facts, which incriminated herself, but was helpful to the University. We noted the Student's desire to have the issue resolved as soon as possible. Her early admission of guilt was a demonstration of her insight.
23. The Panel accepted that the Student was under stress in her personal life, as set out in the correspondence to her Professor. As noted by the parties, her explanation does not justify the mistake but helps to explain the circumstances.
24. The Panel also took into consideration the serious and deliberate nature of the offence and the detriment to the University. With respect to the detriment to the University occasioned by the offence, and the need to deter others from committing a similar offence, Assistant Discipline Counsel noted the fact that another individual completed the exam for the Student, and the commercial element of the incident. The University stressed the need to send a strong message of deterrence in order to communicate the seriousness with which these decisions are taken.
25. Academically, the Student has done well, and was close to the completion of her degree. The Panel agrees that the penalty balances the interest of the University in maintaining the integrity of the University, and the Student's interests. The penalty does hold out the prospect that the student can return if she chooses to do so after the five-year suspension.

26. Having regard to the above, and based on the review of similar cases provided by Counsel to the University, in the Panel's view, the joint submission in this case is reasonable. The Panel agrees that the recommended sanctions are appropriate.

### **DECISION OF THE PANEL**

27. At the conclusion of the hearing, the Panel made the following order:

- a. **THAT** the hearing may proceed in the absence of the Student, who was represented by counsel;
- b. **THAT** the Student is guilty of one count of the academic offence of personation, contrary to section B.I.1(c) of the *Code of Behaviour on Academic Matters*;
- c. **THAT** the following sanctions shall be imposed on the Student:
  - i. a final grade of zero in ECO461H1;
  - ii. a suspension from the University for 5 years from the date of this order and;
  - iii. a notation of the sanction on her academic record and transcript for 5 years from the date of this order.
- d. **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.

28. An Order was signed at the hearing by the Panel to this effect.

DATED at Toronto, September 23, 2021.

Original signed by:

---

Michelle S. Henry, Chair

On behalf of the Panel