

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on February 25, 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 amended S.O. 1978, c. 88

BETWEEN:

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

- and -

**A ■ K ■ (the “Student”)**

**REASONS FOR DECISION**

**Hearing Date:** July 26, 2021, via Zoom

**Members of the Panel:**

Ms. Johanna Braden, Chair

Professor Ernest Lam, Faculty Panel Member

Ms. Parsa Mahmud, Student Panel Member

**Appearances:**

Ms. Lily Harmer, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Ms. Erica Berry, Representative for the Student, Downtown Legal Services

The Student

**Hearing Secretary:**

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

1. The Trial Division of the University Tribunal was convened on July 26, 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 and Particulars alleged against the Student are as follows.

### **Charges**

1. On or about April 17-21, 2020, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in a final exam in MGEC11H3: Introduction to Regression Analysis (the "Course"), contrary to section B.I.1(b) of the *Code*.
2. On or about April 17-21, 2020, you knowingly aided and assisted other students in the Course to use or possess an unauthorized aid or aids or obtain unauthorized assistance, contrary to sections B.I.1(b) and B.II.1(a)(ii) of the *Code*.
3. In addition and in the alternative, 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, contrary to section B.I.3(b) of the *Code*, in connection with your final exam in the Course.

### **Particulars:**

1. At all material times you were a student at the University of Toronto Scarborough.
2. In Winter 2020 you were enrolled in the Course.
3. Students in the Course were required to write and submit a final take-home exam between April 17 and 21, 2020, worth 45% of the final mark in the Course ("Final Exam"). You submitted your Final Exam to complete this requirement.
4. You were required to write your Final Exam independently without the use of any aids or assistance.
5. You did not write your Final Exam independently. Instead you knowingly posted questions from the Final Exam to an online website Chegg.com ("Chegg") and requested that Chegg

provide answers to those questions. You further obtained from or provided assistance to another student in the Course, [T.J.].

6. You sought aid and assistance from Chegg by posting questions from the Final Exam to Chegg and asking a Chegg “expert” to post answers to those questions.
7. After you and other students posted questions from the Final Exam to Chegg, Chegg posted answers to those questions (“Chegg Answers”).
8. You used the Chegg Answers provided by Chegg to assist you to answer questions 1 and 2 on the Final Exam.
9. The answers which you provided on your Final Exam for questions 1 and 2 contain language which is virtually the same as the Chegg Answers.
10. The questions you posted to Chegg and the Chegg Answers provided to those questions were available to anyone, including other students in the Course, who subscribed to Chegg.com.
11. The answers which you provided on your Final Exam to questions 1, 2, 8 and 11. Contain virtually the same language as the answers provided by another student in the class, T.J.
12. You knowingly obtained and/or provided unauthorized assistance in connection with the Final Exam in the Course.

### **The Student’s Plea**

3. The Student was present and represented by the University’s community legal clinic, Downtown Legal Services. The Student admitted all charges. These admissions were reflected in a written Agreed Statement of Facts (“ASF”), which had been signed by the Student. In response to questions from the Tribunal, the Student agreed that he understood the charges and understood the nature and effect of his plea.

### **The Evidence**

4. The evidence before the Tribunal was presented by an ASF and Joint Book of Documents (“JBD”). Most of the key portions are reproduced here, without the

documents referred to therein, and with amendments and redactions made as necessary to avoid identifying the students involved.

1. The Student has been enrolled in University of Toronto Scarborough since the Fall 2016 term. As of July 13, 2021, he had completed 21.0 credits and had a CGPA of 2.59.
2. In the Winter 2020 academic term, the Student was enrolled in MGEN11H3: Introduction to Regression Analysis (the “Course”), which was taught by Professor Ambarish Chandra.
3. The Course syllabus emphasized the importance of academic integrity. It stated on page 4 that students who were found to have engaged in academic dishonesty, including abetting or otherwise assisting in misconduct, would be subject to academic discipline.
4. Students in the Course were required to write a final exam in April 2020 (the “Exam”). Due to the COVID-19 pandemic and resulting closure of the University, the Exam was provided to students in a take-home format. Professor Chandra provided students with the Exam questions on April 17, 2020 and set a deadline for submission of April 21, 2020. The Exam was worth 45% of the Course mark.
5. The cover page of the Exam contained two strong statements about academic integrity:

The University of Toronto's *Code of Behaviour on Academic Matters* applies to all University of Toronto Scarborough students. The *Code* prohibits all forms of academic dishonesty including, but not limited to, cheating, plagiarism, and the use of unauthorized aids. Students violating the *Code* may be subject to penalties up to and including suspension or expulsion from the University.”

In submitting this exam in Quercus under my name, I confirm that my conduct during this exam adheres to the Code of Behaviour on Academic Matters. I confirm that I did NOT act in such a way that would constitute cheating, misrepresentation, or unfairness, including but not limited to, using unauthorized aids and assistance, collaborating with another person, impersonating another person, and committing plagiarism.

6. The Exam consisted of 11 original questions, which Professor Chandra created solely for the Exam.
7. The Student wrote the Exam during the time allowed, and submitted his Exam on April 21, 2020.
8. Soon after April 21, 2020, Professor Chandra searched the text of the Exam online to ensure no students in the Course had posted it online. He discovered that nine of the 11 Exam questions had been posted to Chegg.com (“Chegg”) seeking help to solve the questions.
9. Chegg.com is a subscription based website that allows students to post problems to the site (“Askers”), which are then answered by so-called “experts”. Subscribers are also able to access the questions and answers posted by others on the site (“Viewers”). Chegg.com has an “Honor Code”, in which it states that its services are not intended to be used for any sort of cheating or fraud. Chegg.com permits instructors to request an “honor code investigation” for alleged violations of its “code”.
10. Initially, Professor Chandra was only aware of a possible breach of academic integrity by two other students in the Course, T.J. and Y.Z., in connection with question 2 of the Exam, as he had only been able to find partial information online about Exam question 2.
11. On August 17, 2020, Nisha Panchal, Student Conduct & Academic Integrity Officer, on behalf of Professor James Donaldson, Vice-Dean of Recruitment, Enrolment & Student Success at UTSC, requested that Chegg provide the solutions posted on Chegg for questions 1 through 8 of the Exam, and to identify the users that posted, answered, and accessed the questions.
12. Ms. Panchal then engaged in an email exchange with Chegg to provide additional information, during which she identified questions 1, 2, 3, 5, 6, 7, and 8 of the Exam as being in issue.

13. On August 19, 2020, Chegg provided Excel spreadsheets in response to Professor Donaldson's request showing "Asker detail" and "Viewer detail", indicating the Chegg accounts that had posted, answered, and viewed the Exam questions ("Chegg Data"). The Chegg Data assigned unique identifiers and other specific information for both Askers and Viewers as follows:

- a. A Question ID number for each question posted by an Asker and/or viewed by a Viewer;
- b. Date and time a question was posted by an Asker or viewed by a Viewer;
- c. Date and time an answer was posted;
- d. Asker user ID;
- e. Asker first and last name, email ID, IP address, and school name;
- f. The text of questions posted;
- g. The text of answers provided;
- h. View date;
- i. Viewer user ID;
- j. Viewer first and last name, email, IP address and school name.

14. Chegg subsequently provided additional Asker data in respect of Exam questions 9 and 11, and indicated "no viewer data found". A copy of all the Chegg Data provided by Chegg about the Exam is included in the JBD.

15. The UTSC Academic Integrity office forwarded the Chegg Data to Professor Chandra for his review. From this Chegg Data Professor Chandra identified additional students in the Course who were indicated to have accessed Chegg during the Exam. The Student was one of these additional students. The Chegg data indicated that:

- a. An account with an email address eventually identified as one the Student used when posting in Chegg ("Student's First Email") posted question 8 from the Exam to Chegg on April 17, 2020, which was the first day of the Exam;

- b. An account with a different email address eventually identified as one the Student used when posting in Chegg (“Student’s Second Email”) posted Exam questions 8 and 11 on April 17, 2020;
  - c. The answers the Student submitted for the Exam for questions 1(a), 2(a) and 2 (b), and 8 matched in whole or in part the answers for those questions posted on Chegg.
  - d. The Student’s First Email was listed as a viewer multiple times for Exam questions 1, 2, 3, 5, 6, 7 and 8 on Chegg on April 17, 21 and 22, 2020.
16. An analysis of the Chegg Data indicates that three students (including the Student) posted (“asked”) the following Exam questions seeking answers to those questions:
- 1 – posted by J.Z.;
  - 2 – posted by each of J.Z. and T.J.;
  - 3 – posted by J.Z.;
  - 5 – posted by the T.J.;
  - 6 – posted by the T.J.;
  - 7 – posted by J.Z.;
  - 8 – posted by the Student;
  - 9 – posted by the Student.; and
  - 11- posted by the Student.
17. A chart summarizing the relevant Chegg Data, and indicating which of the answers posted on Chegg were the same or very similar to the Exam answers given by the Student, Y.Z. and T.J., is included in the JBD.
18. A chart comparing the Exam answers given by each of the Student, T.J., and Y. Z. with the answers in the Chegg Data for questions 1, 2, 5, 6, 8 and 11 is included in the JBD.
19. The Student’s answer for question 11 closely matches the answer given by T.J. to question 11. The Student does not know T.J. He does not specifically recall copying his answer for question 11 from Chegg, but accepts that it is very likely that he did so given the similarity of his answer with T.J.’s answer.
20. In Professor Chandra’s view, it was highly unlikely that these similarities occurred by coincidence, given the length, level of detail, and unusual phrasing of the Exam answers as well as the fact that many of them were wrong in the same specific ways. In particular, in his

view the answer given to question 2(a) by the Student was nonsensical in the same way as the answer given by T.J. Similarly, the Student's answer in 2(b) contained a typo "R2" rather than "R^2" in the same place in the text as in the answer provided by Chegg, Y. Z. and T.J.

21. The Student attended a meeting with the Dean's Designate on November 26, 2020. The meeting was conducted in accordance with the requirements of the *Code*. At that meeting:

- a. The Student admitted that he had committed an academic offence by obtaining unauthorized assistance from Chegg;
- b. He posted Exam questions on Chegg, but claimed not to have used any answers provided on Chegg;
- c. The reason the Chegg Data showed him accessing Chegg multiple times during the Exam was because he gave his Chegg password to many of his friends; and
- d. When asked to explain why his answer to question 2 of the Exam contained similar text to the answer posted on Chegg for that question, including the same typo, The Student said he did not remember using Chegg.

22. In an email to Professor Cheng following their meeting, [the Student]wrote that:

In light of our meeting today, and after some careful consideration, there is something that I wish to add on top of what we have discussed. Since the highlighted sentences on my final exam submission are the same as those from an already existing answer on Chegg, I see no alternative to accepting the plagiarism offense. Although I do not directly remember copying and pasting those two sentences from Chegg, it will be hard to make a solid case in my favor, and because of this, regardless of me being able to remember or not, I confess to having plagiarized those two sentences. This was a monumental mistake on my part, and although I did not mean to cheat, the evidence suggests I did. [...].

23. The Student admits that he knowingly:

- a. did not write the Exam independently as required, but instead accessed Chegg to obtain unauthorized assistance while working on the Exam, and that in doing so he:



- i. posted questions 8, 9 and 11 to Chegg requesting an answer for use on the Exam;
  - ii. used the Student's First Email and the Student's Second Email to access Chegg during the Exam;
  - iii. viewed Chegg using the Student's First Email on each of the multiple occasions indicated in the Chegg Data, including in connection with Exam questions 1, 2, 3, 5, 6, 7 and 8;
  - iv. used the answers posted on Chegg in his Exam answers for questions 1(a), 1(b), 2(a), 2(b), 8 and 11; and
- b. in seeking answers to Exam questions 8, 9 and 11 by posting them to Chegg he provided unauthorized aid and assistance to other students in the Course who were also writing the Exam.

### **Decision of the Tribunal on the Charges**

5. 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.

6. In this case, the Student admitted the Charges. The Tribunal was satisfied that the Student's admissions were voluntary, informed and unequivocal. Further, the evidence contained in the ASF and accompanying documents clearly and thoroughly proved that the Student used an unauthorized aid and obtained unauthorized assistance when he turned to Chegg for assistance with his final exam. Although the Student may not have necessarily intended to aid other students, the Tribunal accepts that by posting exam questions and seeking input on how to answer them, the Student effectively aided and assisted other students in the course who subscribed to Chegg and could see the answers posted to the questions asked by the Student.

7. Accordingly, the Tribunal found the Student was guilty of Charges 1 and 2. Charge 3, being in the alternative, was withdrawn by the University.

### **Evidence on Penalty**

8. On consent of the parties, further evidence was filed relevant to the issue of penalty. This evidence showed that the Student had admitted to academic misconduct twice before.

(a) In the Winter 2017 term the Student admitted he had plagiarized passages from online sources in an assignment worth 12% of the course grade. The Student was sanctioned with a grade reduction of 24% in the course. That sanction was conveyed with a letter from the University in which the Student was warned, "I trust it is clear that the University regards with great seriousness all acts of academic dishonesty and why they cannot be tolerated. I hope you have learned from this unfortunate experience and nothing similar will happen again."

(b) Unfortunately, this was not the case. During the 2020 Winter term, the Student plagiarized part of a group assignment worth 5% of the course grade. The Student was sanctioned with a grade of zero on the assignment.

### **Submissions on Penalty**

9. There was a joint submission on penalty, in which both parties requested that the Tribunal make an order including the following sanctions:

(a) a final grade of zero in the course MGEC11H3 in 2020 Winter;

(b) a suspension from the University for three years from July 26, 2021 to July 25, 2024;

- (c) a notation of the sanction on the Student's academic record and transcript for four years from the date the Tribunal makes its order to July 25, 2025; and
- (d) that this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the Student's name withheld.

### **Decision of the Tribunal on Penalty**

10. The Tribunal is aware of the value in respecting and deferring to joint submissions. While the Tribunal retains the discretion to reject joint submissions in appropriate cases, the fact that adversarial parties have been able to agree on the appropriate sanction is a good indication in and of itself that the appropriate balancing of interests has occurred. The Tribunal should only depart from joint submissions where it feels that the proposed sanction is so far outside the range of appropriate outcomes that it would bring the administration of justice into disrepute.

11. The Tribunal 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). The most significant factors for the Tribunal were as follows.

- (a) The character of the Student: the Student attended the hearing and admitted his wrongdoing. Although he was somewhat equivocal in his initial meeting with the Dean's Designate, the Student did eventually make a full confession. The Tribunal recognizes that the Student has shown some insight and remorse. The Tribunal also recognizes that the Student has earned all the credits required for graduation. However, balanced against these mitigating factors, is the Student's two prior acts of plagiarism. These two charges represent a third offence, which is very troubling.

(b) The likelihood of a repetition of the offence: the Student's representative submitted that the offence could not be repeated, as the Student had already earned all the credits needed for graduation. This provides little comfort. The Tribunal would prefer that students avoid repeating offences because they have learned their lesson, not because they are technically prohibited from re-offending. As noted above, one seriously aggravating factor is that this was the Student's third offence. However, the Tribunal is hopeful that this process has brought home the message that dishonesty and academic misconduct is not a path to success and must be avoided.

(c) The nature of the offence committed: the Covid-19 pandemic has amplified the importance of trust. Online learning provides more opportunities for students to cheat. In this case, Professor Chandra and the University had to go to considerable lengths to detect and uncover the extent of the Student's misconduct. By cheating on his exam, the Student undermined the grades-based system of evaluation and broke the honour code that is essential to modern learning.

(d) Any extenuating circumstances surrounding the commission of the offence: the exam took place in April 2020, when Ontario was in the beginning of the first pandemic lock-down and people were seized with fear and uncertainty for their own health and the health of their loved ones. The Student may have felt the effects of this stress acutely. However, he did not respond to this stress in a healthy way. When he cheated on his exam, the Student sacrificed his integrity and his future.

(e) The need to deter others from committing similar offences: cheating on exams must always be denounced and deterred in order to protect the academic integrity of the University. In today's online world, it is all too easy for students to find new outlets for unauthorized assistance. Students must understand that this kind of misconduct will have serious repercussions, so that they will be dissuaded from the temptation to cheat when under pressure.

12. In addition to the factors from the *C.* case, *supra*, the Tribunal considered other cases of this Tribunal in similar circumstances. The University submitted a Book of Authorities including many cases from this Tribunal of offences involving similar misconduct. No two cases are identical, and the Tribunal is not bound by past decisions. However, the Tribunal strives to develop a consistent body of case law so that students are treated fairly and equitably.

13. The Student's two prior acts of misconduct make this case hard to compare to the ones submitted by the University. Nevertheless, the Tribunal is prepared to accept the joint submission. It does not bring the administration of justice into disrepute and is not otherwise contrary to the public interest. It strikes an acceptable balance between the mitigating and aggravating factors.

14. The suspension means that even though the Student has earned the credits required to graduate, he will not be able to enjoy many of the rewards of that accomplishment until his period of suspension is at an end. It is a meaningful but fair sanction.

15. In all of the circumstances, the Tribunal is satisfied that the following Order is appropriate:

1. **THAT** the Student is guilty of one count of the academic offence of using or possessing an unauthorized aid, contrary to section B.I.1(b) of the *Code*.
2. **THAT** the Student is guilty of one count of the academic offence of aiding and assisting other students to use or possess an unauthorized aid or obtain unauthorized assistance, contrary to sections B.I.1(b) and B.II.1(a)(ii) of the *Code*.
3. **THAT** the following sanctions shall be imposed on the Student:
  - a. a final grade of zero in the course MGEC11H3 in 2020 Winter;

- b. a suspension from the University for three years from July 26, 2021 to July 25, 2024; and
  - c. a notation of the sanction on [the Student's] academic record and transcript for four years from the date the Tribunal makes its order to July 25, 2025.
4. **THAT** this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the name of the student withheld.

Dated at Toronto this 5th day of November, 2021

Original signed by: \_\_\_\_\_

Ms. Johanna Braden, Chair

On behalf of the Panel