

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on June 7, 2021,

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters, 1995* (“Code”),

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 -

S ██████ E ██████ C ██████

REASONS FOR DECISION

Hearing Date: November 12, 2021, via Zoom

Panel Members:

Mr. Christopher Wirth, Chair
Professor Glen Jones, Faculty Panel Member
Mr. Yazan Zamel, Student Panel Member

Appearances:

Ms. Tina Lie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

Ms. Nadia Bruno, Special Projects Officer, Appeals, Discipline and Faulty Grievances

In Attendance:

S ██████ E ██████ C ██████

Charges and Particulars

1. A Panel of the Trial Division of the University Tribunal convened on November 12, 2021 by videoconference to consider charges brought by the University of Toronto (the "University") against S [REDACTED] E [REDACTED] O [REDACTED] (the "Student") under the University's *Code of Behaviour on Academic Matters, 1995* (the "Code"). The charges alleged against the Student as filed by the Provost on June 7, 2021 are as follows:
 1. On or about November 3, 2020, you knowingly used or possessed an unauthorized aid or obtained unauthorized assistance in connection with Test 2 in CHM135H1 (the "Course"), contrary to section B.I.1(b) of the Code.
 2. In the alternative, on or about November 3, 2020, you knowingly represented as your own an idea or expression of an idea or work of another in Test 2 in the Course, contrary to section B.I.1(d) of the Code.
 3. In the further alternative, on or about November 3, 2020, 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 in connection with Test 2 in the Course, contrary to section B.I.3(b) of the Code.
2. The particulars related to charges 1, 2 and 3 are as follows:
 1. At all material times you were a student enrolled at the University of Toronto Faculty of Arts & Science.
 2. In Fall 2020, you enrolled in the Course.
 3. Students in the Course were evaluated on the basis of, among other things, four tests. Students were required to work independently and were not permitted to collaborate with one another or other sources during the tests.
 4. Test 2 was administered online on November 3, 2020 from 7 to 8 pm.
 5. On November 3, 2020, you submitted your answers to Test 2.

6. During Test 2, you knowingly obtained unauthorized from Chegg.com, which is a website that allows subscribers to post questions on the site and to view questions and answers posted on the site. You knew that Chegg.com was not an authorized source.
7. You submitted your answers to Test 2:
 - (a) to obtain academic credit;
 - (b) knowing that it contained ideas, expressions of ideas or work which were not your own, but were the ideas, expressions of ideas or work of others, namely, the author of an answer that was posted on Chegg.com; and
 - (c) knowing that you did not properly reference the ideas, expressions of ideas or work that you drew from Chegg.com.
8. You knowingly submitted Test 2 with the intention that the University of Toronto rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.

The Student's Position

3. The Student was present and denied the charges. As a result, the hearing proceeded on the basis that the University bore the burden of proving the charges on the balance of probabilities.

Overview

4. The University tendered the evidence of four witnesses: Professor Kristine Quinlan ("Professor Quinlan"), the Assistant Professor whose course the Student was in, Professor Elizabeth Cowper ("Professor Cowper"), the Dean's Designate for Academic Integrity with Student Academic Integrity, Faculty of Arts and Science at the University, Mr. Thomas Mackay ("Mr. Mckay"), an Academic Integrity Specialist with the University's Faculty of Arts and Science and Mr. Avi Hyman ("Mr. Hyman"), the Director of Academic & Collaborative Technologies in Information Technology Services at the University. These four witnesses provided their evidence by

affidavit, which were accepted by the Panel pursuant to Rule 61 of the University Tribunal's *Rules of Practice and Procedure*. Professor Quinlan and Mr. Hyman also provided additional evidence through testimony at the hearing. All four of the witnesses were then available for cross-examination by the Student and for any questions from the Panel. The Student testified on her own behalf.

5. After careful deliberation, and having considered all the evidence, the Panel found that on the balance of probabilities the evidence is sufficiently clear, cogent and convincing to discharge the burden of proof on the University and found that the Student had committed academic misconduct.

The Evidence

6. The contents of the affidavits (without Exhibits) of the four witnesses are set out below along with any relevant evidence from their examinations in chief, cross-examinations and any questions from the Panel. A summary of the most relevant evidence of the Student is also set out below.

a) Evidence of Professor Quinlan

7. Professor Quinlan's affidavit provides as follows:
 1. I am an Assistant Professor, Teaching Stream, in the Department of Chemistry at the University of Toronto (the "University"). As such, I have knowledge of the matters contained in this affidavit. Where I do not have direct knowledge of a matter, I state the source of my information and I believe it to be true.

The Course

2. In Fall 2020, I was the course coordinator for CHM135H (Chemistry: Physical Principles) (the "Course"). The other instructors for the Course were S. Browning, G. Walker, M. W. B. Wilson, J. De Backere, R. Jockusch, and G. Harewood. I have attached a copy of the course outline for the Course to my affidavit as **Exhibit "A"**.

3. The Course is a first-year course, designed to provide a foundation in physical chemistry for students who intend to follow a science program, primarily in the Life or Health Sciences.
4. S█████ E█████ C█████ (██████████) was a student in the Course.
5. Due to the covid19 pandemic, the Course was administered online.
6. Students in the Course were evaluated on the basis of online homework (worth 5%), a practical (worth 30%) and four tests (worth a combined 65%). The highest of the four test scores was weighted at 20%, with the remaining three tests weighted at 15% each.
7. Early in the Course, students were warned about academic integrity. The course syllabus provides the following with respect to academic integrity:

ACADEMIC INTEGRITY

Academic integrity is essential to the pursuit of learning and scholarship in a university, and to ensuring that a degree from the University of Toronto is a strong signal of each student's individual academic achievement. As a result, the University treats cases of cheating and plagiarism very seriously. The University of Toronto's Code of Behaviour on Academic Matters (<https://governingcouncil.utoronto.ca/secretariat/policies/code-behaviour-academic-mattersjuly-1-2019>) outlines the behaviours that constitute academic dishonesty and the processes for addressing academic offences. Potential offences include, but are not limited to:

In practical work:

1. Using someone else's ideas or words without appropriate acknowledgement.
2. Submitting your own work in more than one course without the permission of the instructor.
3. Making up sources or facts.
4. Obtaining or providing unauthorized assistance on any assignment.

On tests:

1. Using or possessing unauthorized aids.
2. Looking at someone else's answers or collaborating or discussing answers during an exam or a test.

3. Misrepresenting your identity.

In academic work:

1. Falsifying institutional documents or grades.
2. Falsifying or altering any documentation required by the University.
3. Sharing solutions to the online homework

[Emphasis added]

Test 2

8. The second test in the Course (“Test 2”) was administered online on November 3, 2020 from 7:00 to 8:05 p.m. EST (the “Test Period”). The test instructions provided that Test 2 would take place from 7:00 to 8:00 p.m. To accommodate students who may have faced technical issues in initially accessing Test 2 (e.g. a lag), we accepted any tests that students submitted by 8:05 p.m. However, students only had a total of 60 minutes to complete Test 2 within the Test Period. The test was administered through Quercus, the University’s online teaching and learning platform. Test 2 consisted of 18 multiple-choice questions. Students were able to view all of the questions at the same time and work on them in any order. Students could change their answers until they clicked the “Submit Quiz” button. I have attached a blank copy of Test 2 to my affidavit as **Exhibit “B”**.
9. Test 2 was open book, but the Course instructors and I made clear to the students that they were not permitted to collaborate with one another during the test. In advance of Test 2, the Course instructors provided students with two information sheets about Test 2 on Quercus. The first information sheet discussed what students were and were not permitted to consult during Test 2:

You are allowed to have your textbook and notes available. However, we do not recommend relying on 'looking things up' during the test because this will take up valuable time. Your preparation for the test should be the same as if you were taking a closed book test. Since all of the tests are cumulative, ensuring you have a solid foundation now will make preparation for future tests easier/more manageable.

I have attached a copy of the first information sheet, which was provided to students in the Course on October 19, 2020, to my affidavit as **Exhibit “C”**.

10. The second information sheet clearly stated that students must complete Test 2 independently:

At the beginning of the test, you will be asked to confirm that you are adhering to the University of Toronto *Code of Behaviour on Academic Matters*. This acknowledgement ensures that you will be on your way to completing CHM 135H and your university degree in a fair manner, **by completing the work independently**. If you do not select "I confirm", your test will not be graded. [Emphasis in original]

I have attached a copy of the second information sheet, which was provided to students in the Course on October 30, 2020, to my affidavit as **Exhibit "D"**.

11. Ms. C [REDACTED] submitted her Test 2 on November 3, 2020. I have attached a copy of the answers that Ms. C [REDACTED] submitted to my affidavit as **Exhibit "E"**.

12. Test 2 required students to confirm the following academic integrity statement:

In writing and submitting this test, I confirm that my conduct during it will adhere to the University of Toronto Code on Behaviour on Academic Matters. I confirm that I will NOT act in such a way that would constitute cheating, misrepresentation, or unfairness, including but not limited to: using unauthorized assistance, impersonating another individual, and committing plagiarism. [Emphasis added]

13. Ms. C [REDACTED] submitted the answer "I confirm" with respect to the academic integrity statement on her Test 2.

14. Ms. C [REDACTED] correctly answered 11/18 questions on Test 2, and received a grade of 71.1% on Test 2.

Investigation into the Alleged Academic Misconduct

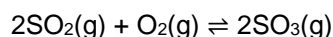
15. The Course instructors and I found that several questions from Test 2 had been posted to Chegg.com during the Test Period.

16. Chegg.com is a subscription based website that allows students to post problems to the site, which are then answered by so-called "experts". Subscribers are also able to access the questions and answers posted by others on the site. A copy of the chegg.com/study webpage is attached to my affidavit as **Exhibit "F"**. The webpage advertises that a "Chegg Study" subscription costs \$14.95/month and

will allow subscribers to “take a photo of your question and get an answer in as little as 30 mins” from an “expert”.

17. Students received different versions of the test. Each version contained the same 18 multiple choice questions; however, the order of the questions was randomly shuffled so the order of the questions was different for each student.
18. The following question is one of the questions that had been posted to Chegg.com during the Test Period (the “Chegg Question”) (Question 13 on the blank copy of Test 2 at Exhibit “B” and Question 10 on Ms. O█████’s Test 2 at Exhibit “E”):

The formation of SO₃ is a step in the manufacture of sulfuric acid:



In one experiment, 2.00 atm of SO₂ and 2.00 atm of O₂ were put in an evacuated flask. At equilibrium, the total pressure of the system was 3.63 atm. What is equilibrium constant. K_p, for the reaction?

19. As part of our investigation into the alleged academic misconduct, the Faculty of Arts and Science obtained data from Chegg.com that showed:
 - (a) The Chegg Question (identified by Chegg.com as Question ID 60265410) was posted by a subscriber with the email address s15465512@gmail.com at 7:14 p.m. EST (4:14 p.m. PST);
 - (b) The Chegg Question was answered at 7:58 p.m. EST (4:58 p.m. PST); and
 - (c) a subscriber from the University of Toronto with an email address c█████s█████@gmail.com viewed the Chegg Question from the Internet Protocol address 172.97.186.97 eight times on November 3, 2020 from 7:32 p.m. to 7:59 p.m. EST (4:32 p.m. to 4:59 p.m. PST):¹

| View date | Viewer user id | Question ID | First Name | Last Name | Viewer email id | Viewer IP Address | School Name |
|------------------------|----------------|-------------|------------|-----------|------------------------|----------------------|-----------------------|
| 11/03/2020 04:32:00 PM | 85346992 | 60265410 | | | c█████s█████@gmail.com | ████████████████████ | University of Toronto |
| 11/03/2020 04:37:00 PM | 85346992 | 60265410 | | | c█████s█████@gmail.com | | University of Toronto |
| 11/03/2020 04:38:00 PM | 85346992 | 60265410 | | | c█████s█████@gmail.com | | University of Toronto |
| 11/03/2020 04:47:00 PM | 85346992 | 60265410 | | | c█████s█████@gmail.com | | University of Toronto |
| 11/03/2020 04:49:00 PM | 85346992 | 60265410 | | | c█████s█████@gmail.com | | University of Toronto |
| 11/03/2020 04:52:00 PM | 85346992 | 60265410 | | | c█████s█████@gmail.com | | University of Toronto |
| 11/03/2020 04:57:00 PM | 85346992 | 60265410 | | | c█████s█████@gmail.com | | University of Toronto |
| 11/03/2020 04:59:00 PM | 85346992 | 60265410 | | | c█████s█████@gmail.com | | University of Toronto |

¹ I understand from the Faculty of Arts and Science that Chegg.com provides times in the PST time zone.

I have attached a copy of the data that the Course instructors received from Chegg.com to my affidavit as **Exhibit “G”**, and a copy of the answer to the Chegg Question that had been posted to Chegg.com to my affidavit as **Exhibit “H”**.

20. There was only one student in the Course with the name S [REDACTED] O [REDACTED] — S [REDACTED] E [REDACTED] O [REDACTED] ([REDACTED]).
21. The answer that Ms. O [REDACTED] submitted to the Chegg Question (0.212) corresponded to the Chegg.com answer, which was correct.

Student Meeting

22. On November 10, 2020, I emailed Ms. O [REDACTED] requesting a meeting to discuss suspected academic misconduct on Test 2. I stated that I had received some information from Chegg and had concerns about the potential use of an unauthorized aid during Test 2. Later that day, Ms. O [REDACTED] replied:

Hello professor,

I'm confused about the information? I do have a Chegg account that I use, but only for homework or if I am doing a tutoring session, or things along those lines (like trying to do practice problems). Am I not allowed to use it?

[...]

23. I replied to Ms. O [REDACTED] that we would discuss this issue at the meeting. I have attached a copy of these emails to my affidavit as **Exhibit “I”**.
 24. On November 13, 2020, I met with Ms. O [REDACTED] over Zoom to discuss the matter. The matter was subsequently forwarded to Student Academic Integrity at the University.
 25. I make this affidavit in connection with the charges that were filed against Ms. O [REDACTED] by the University under its *Code of Behaviour on Academic Matters* and for no other purpose.
8. In addition to her affidavit, Professor Quinlan further testified that:
 - (a) She started with the University of Toronto in 2014. With respect to the Course, she was the co-ordinator for the Fall 2020 session. The Course had

a teaching team of six instructors and she was one of them along with being the Course co-ordinator who oversaw the Course and was the point of contact for students. She had taught the Course more than ten times before. In the Fall of 2020, the Course had approximately 1850 students. Before the issues in dispute in this matter, she did not personally know the Student.

- (b) In the Fall of 2020, the Course was an online course run on the University's Quercus online teaching and learning platform.
- (c) Through Quercus, they set up the Course and it is published there for the students who are told when the test will be available. The students are permitted to go in approximately 60 minutes before the test begins. Once the test was available online, they were able to answer the questions in any order and to go back and correct them if they wished. However, once they had submitted it, it could not be changed. The test was not proctored.
- (d) Students were told that it was an open book test, but the first question they have to answer is the academic integrity question whereby they confirm that they are not using any unauthorized assistance for the test.
- (e) Chegg.com is a paid service whereby subscribers can upload questions to it and quickly receive answers to those questions.
- (f) She was notified by a student that there were a number of questions from the test on Chegg.com and so she googled it to see if this was the case. As she is not a subscriber, she was only able to see what the questions were there, but not the answers which had been provided. She also noted the email addresses of individuals who had accessed Chegg.com with respect to the questions and she forwarded those to the Vice-Dean.
- (g) A letter was subsequently sent to Chegg.com asking them to remove the questions and answers for the test from their platform and asking for information on the people who had posted the questions and who had

sought the answers. Chegg.com was not given the names or emails of the suspected students nor their IP addresses.

- (h) Subsequently, Chegg.com sent back a list of anyone who had asked questions with respect to the test or had viewed the answers. As a result, they obtained the email addresses and the IP addresses for those individuals.
- (i) They then looked for emails that appeared to be related to students who were in the Course. This was particularly evident for those who had used their University of Toronto email addresses. They also looked to see if the name of the email addresses closely matched the names of any of the students registered in the class and if so, they followed up with those students.

9. Professor Quinlan was then cross-examined by the Student and testified that:

- (a) She asked to meet the Student with respect to Chegg.com and the Course. The point of the meeting with the Student was to ask her what happened. In response to the Student's questions as to why her email was vague with respect to the offence, Professor Quinlan indicated that the email was sent just to set up the meeting and that it was at the meeting where the information would be exchanged with respect to Chegg.com and the Course and that this was the usual practice. She would not be prepared to engage with students about this online.
- (b) Since the test comprised 10% or more of the mark for the Course, the issue would have to be referred to Professor Cowper regardless of the outcome of their conversation at their meeting as that was the procedure and there was no choice but to forward the issue to Professor Cowper. The meeting with the Student is what the University's procedures require. Professor Quinlan's first email also referenced the date and the resources available to the Student. She was not trying to say that it was not an offence just that

it was not her role to decide that as she has no power to decide the matter one way or the other.

10. Professor Quinlan was re-examined and testified that:

- (a) When asked what happens if the Student provides a satisfactory explanation at the meeting, Professor Quinlan indicated that in her experience this has never happened, and she was not aware of a case where it had not been referred on.

11. The Panel did not have any questions for Professor Quinlan.

b) Evidence of Professor Cowper

12. Professor Cowper's affidavit provides as follows:

1. I am a Professor Emeritus in the Department of Linguistics at the University of Toronto (the "University") and am a Dean's Designate for Academic Integrity with Student Academic Integrity ("SAI"), Faculty of Arts and Science, at the University. As such, I have personal knowledge of the matters set out in this affidavit. Where I do not have personal knowledge of a matter, I state the source of my information and I believe it to be true.

The Alleged Academic Misconduct

2. SAI is the office at the Faculty of Arts and Science that is responsible for investigating allegations of academic misconduct and arranging for students who are facing such allegations to meet with the Dean or Dean's Designate in accordance with the process set out in the *Code of Behaviour on Academic Matters* (the "Code").
3. In November 2020, SAI received allegations from Professor Kristine Quinlan that a number of students had committed academic misconduct on the second test ("Test 2") in CHM135H (Chemistry: Physical Principles) (the "Course"), which was held online on November 3, 2020 from 7:00 p.m. to 8:00 p.m. ET (the "Test Period"). S██████ E██████ O██████ was one of those students. In particular, Ms.

C [REDACTED] was alleged to have committed plagiarism or to have obtained unauthorized assistance on Test 2 from Chegg.com.

4. Chegg.com is a subscription-based website that allows students to post problems to the site, which are then answered by so-called “experts”. Subscribers are also able to access the questions and answers posted by others on the site. A copy of the chegg.com/study webpage is attached to my affidavit as **Exhibit “A”**. The webpage advertises that a “Chegg Study” subscription costs \$14.95/month and will allow subscribers to “take a photo of your question and get an answer in as little as 30 mins” from an “expert”.

Meeting with Dean’s Designate

5. On April 5, 2021, SAI sent Ms. C [REDACTED] an invitation to meet with me on Monday, April 12 at 11:30AM to discuss the alleged academic misconduct. A copy of the email is attached to my affidavit as **Exhibit “B”**.
6. On May 10, 2021, I met with Ms. C [REDACTED] via videoconference (Zoom) to discuss the allegation of academic misconduct on Test 2 in the Course. Laurie O’Handley, an Academic Integrity Specialist with SAI, also attended the meeting and took notes. At the outset of the meeting, I gave Ms. C [REDACTED] the caution that I am required to provide to her under the *Code*.
7. During the meeting, I explained to Ms. C [REDACTED] that she was alleged to have committed an academic offence on Test 2 in the Course. I explained that a Chegg.com account associated with the email address [c \[REDACTED\] s \[REDACTED\] @gmail.com](mailto:c[REDACTED]s[REDACTED]@gmail.com) had accessed a question from Test 2 that had been posted on Chegg.com during the Test Period. I also explained that the answer Ms. C [REDACTED] had given on Test 2 corresponded with the answer on Chegg.com.
8. Ms. C [REDACTED] denied that the email address [c \[REDACTED\] s \[REDACTED\] @gmail.com](mailto:c[REDACTED]s[REDACTED]@gmail.com) belonged to her and she denied that she had committed an academic offence.
9. I asked Ms. C [REDACTED] whether, if we investigated her Internet Protocol (“IP”) address, it would match the IP address used to access Chegg.com. Ms. C [REDACTED] denied that the IP addresses would match.

10. I asked Ms. C [REDACTED] whether she had a Chegg.com account. Ms. C [REDACTED] stated that she had a Chegg.com account, but that her account was not associated with the email address [c\[REDACTED\]s\[REDACTED\]@gmail.com](mailto:c[REDACTED]s[REDACTED]@gmail.com), and that she used her Chegg.com account mainly for homework.
 11. I have attached a copy of the Discipline Case Report for Ms. C [REDACTED], which contains the notes that Ms. O'Handley took during our meeting, to my affidavit as **Exhibit "C"**. To the best of my recollection, the notes that Ms. O'Handley took of our meeting accurately reflect what we discussed.
 12. On May 11, 2021, SAI sent an email to Ms. C [REDACTED] on my behalf advising her that the matter would be forwarded to the Vice-Provost for review with the recommendation that charges be laid. I have attached a copy of this email to my affidavit as **Exhibit "D"**.
 13. The matter was subsequently forwarded to the Office of the Vice-Provost, Faculty and Academic Life.
 14. I make this affidavit in connection with the charges that were filed against Ms. C [REDACTED] by the University under its *Code of Behaviour on Academic Matters* and for no other purpose.
13. Professor Cowper was not cross-examined by the Student nor did the Panel have any questions for her.

c) Evidence of Mr. Mackay

14. Mr. Mackay's affidavit provides as follows:
 1. I am the Manager, Student Success & Academic Advising in the Registrar & Academic Advising Office at Victoria College, University of Toronto (the "University"). Until March 12, 2021, I was the Director, Faculty Governance, Faculty of Arts and Science (the "Faculty"). As such, I have knowledge of the matters contained in this affidavit. Where I do not have direct knowledge of a matter, I state the source of my information and I believe it to be true.

Student Academic Integrity

2. From February 22, 2016 to March 12, 2021, I served as the Director, Faculty Governance, at the Faculty. In that capacity, I oversaw the Student Academic Integrity (“SAI”) team in the Faculty.
3. SAI is the office at the Faculty of Arts and Science that is responsible for investigating allegations of academic misconduct and arranging for students who are facing such allegations to meet with the Dean or Dean’s Designate in accordance with the process set out in the *Code of Behaviour on Academic Matters* (the “Code”).
4. Chegg.com is a subscription-based website that allows students to post problems to the site, which are then answered by so-called “experts”. Subscribers are also able to access the questions and answers posted by others on the site. 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”. I have attached a copy of the Chegg.com “Honor Code Policy” to my affidavit as **Exhibit “A”**.
5. The second test (“Test 2”) in CHM135H (Chemistry: Physical Principles Fall 2020) (the “Course”) was administered online during the test window of 7:00 p.m. to 8:00 p.m (ET on November 3, 2020 the “Test Period”). SAI received notice from Professor Kristine Quinlan that a number of questions from Test 2 had been posted on Chegg.com during the Test Period. As a result, on November 5, 2020, Randy Boyagoda, Vice-Dean, Undergraduate at the Faculty of Arts & Science, submitted a request to Chegg.com for an investigation by the Chegg.com Honor Code Team. I have attached a copy of Professor Boyagoda’s email and attached letter, on which I was copied, to my affidavit as **Exhibit “B”**. Professor Boyagoda’s letter included a list of URLs to the Chegg.com answers for Test 2.
6. Professor Boyagoda’s email and letter at Exhibit “B” comprises the only information that the University provided to Chegg.com in connection with its investigation into the questions that were posted on Chegg.com from Test 2 in the Course. In particular, the University did not provide Chegg.com with the names of any of the students in the Course or any Internet Protocol (“IP”) addresses.

7. On November 6, 2020, the Chegg.com Honor Code Team sent Professor Boyagoda a response, attaching an Excel spreadsheet which provided details of the “askers” and “viewers” of the questions that had been identified. The Chegg.com Honor Code Team noted that all dates and times provided are in PST. The Chegg.com Honor Code Team also confirmed that they had since taken down the content from their website. I have attached a copy of the cover email from the Chegg.com Honor Code Team, on which I was copied, to my affidavit as **Exhibit “C”**.
8. The Excel spreadsheet that the Chegg.com Honor Code Team provided identified a user with the email address s15465512@gmail.com as an “asker” of a question on Test 2 (Question ID 60265410). The Excel spreadsheet also indicated that a “viewer” from the University with an email address [c\[REDACTED\]s\[REDACTED\]@gmail.com](mailto:c[REDACTED]s[REDACTED]@gmail.com) accessed the answer to that question on Test 2 from the IP address [REDACTED] eight times on November 3, 2020 from 7:32 p.m. to 7:59 p.m. ET (4:32 p.m. to 4:59 p.m. PST). I have attached a copy of the “asker” and “viewer” data that Chegg.com provided for the question in which [c\[REDACTED\]s\[REDACTED\]@gmail.com](mailto:c[REDACTED]s[REDACTED]@gmail.com) was identified as a “viewer” to my affidavit as **Exhibit “D”**.
9. I make this affidavit in connection with the charges that were filed against Ms. C[REDACTED] by the University under its *Code of Behaviour on Academic Matters* and for no other purpose.
15. Mr. Mackay was not cross-examined by the Student nor did the Panel have any questions for him.

d) Evidence of Mr. Hyman

16. Mr. Hyman’s affidavit provides as follows:
 1. I am the Director of Academic & Collaborative Technologies (“ACT”) in Information Technology Services (“ITS”) at the University of Toronto (the “University”). As such, I have knowledge of the matters contained in this affidavit. Where I do not have direct knowledge of a matter, I state the source of my information and I believe it to be true.

Quercus

2. As Director of ACT, I oversee a team that is responsible for supporting the Quercus platform.
3. Quercus is the University's main online teaching and learning platform. Quercus is a web-based platform in which students can access course content, submit assessments, take tests, and interact with their instructor and other learners using a range of tools. For example, Quercus has a quiz tool that instructors can use to administer automated online tests.
4. Quercus generates different logs of activity. Quercus only retains the logs for specific quiz tool questions ("Quiz Logs") for 6 months. Quiz Logs show when a user_id answered a particular question on a quiz.
5. Quercus retains other logs, such as Quercus Application Page View reports ("Page View Reports"), for longer than 6 months. Page View Reports show when a user_id accessed certain sections of a course, such as when a user_id accessed a quiz tool. However, Page View Reports do not show when a user answered a particular question on the quiz.

The Student's Page View Report

6. On July 16, 2021, at the request of Assistant Discipline Counsel to the University (acting on behalf of the Office of the Vice-Provost, Faculty and Academic Life), ACT retrieved information related to the activities of Quercus user_id [REDACTED] with respect to the second test ("Test 2") in CHM135H (Chemistry: Physical Principles Fall 2020) (the "Course").
7. At the time of the request, Quiz Logs for Test 2 were no longer available because over 6 months had passed since Test 2 had been administered on November 3, 2020. However, Page View Reports for the date on which Test 2 was administered were still available. ACT obtained a copy of a Page View Report that details the Quercus activity on November 3, 2020 for the Student's User ID. A copy of the user_id [REDACTED] Page View Report is attached to my affidavit as **Exhibit "A"**.

8. Page View Reports use alphanumeric codes to refer to certain types of information, such as users, courses, and quizzes. The user_id [REDACTED] Page View Report at Exhibit "A" uses the following alphanumeric codes:
 - (a) User_id [REDACTED] is assigned to UTORid: c[REDACTED] and UTMail address: [s\[REDACTED\].c\[REDACTED\]@mail.utoronto.ca](mailto:s[REDACTED].c[REDACTED]@mail.utoronto.ca);
 - (b) Course 181249 refers to CHM135H1 F LEC5101 20209:Chemistry: Physical Principles Fall 2020 (*i.e.* the "Course"); and
 - (c) Quiz 123353 refers to "Test #2 – Regular Sitting (Tuesday, Nov. 3)" in Course 181249 (*i.e.* "Test 2").
9. Page View Reports also show the Internet Protocol address ("IP address") that is associated with a user's Quercus activity.
10. An IP address is a unique address that identifies a device on the internet or a local network. IP stands for "Internet Protocol", which is the set of rules governing the format of data sent via the internet or local network. IP addresses are the identifier that allows information to be sent between devices on a network: they contain location information and make devices accessible for communication. The internet needs a way to differentiate between different computers, routers, and websites. IP addresses provide a way of doing so and form an essential part of how the internet works. Specifically, a device indirectly connects to the internet by connecting at first to a network connected to the internet, which then grants the device access to the internet. The IP address is assigned to a device by a Internet Service Provider. Absent very exceptional circumstances, no two devices would have some the same IP address at a given time.
11. The Student's Page View Report shows that user_id [REDACTED], which is assigned exclusively to UTORid c[REDACTED], accessed various sections of the Course, including the quiz tool for Test 2, at various time stamps between 18:52 and 20:00 on November 3, 2020, from a Macintosh computer assigned the IP address

██████████ The time stamps are local Toronto time. These page views are highlighted yellow in the user_id ██████████ Page View Report at Exhibit "A".¹

12. I make this affidavit in connection with a *University Code of Behaviour on Academic Matters* hearing at the request of the Assistant Discipline Counsel to the University and for no other purpose.
17. Mr. Hyman also testified that:
 - (a) Mr. Hyman clarified paragraph 10 of his affidavit and indicated that there are two types of IP addresses, a public one and a private one. Normally a private IP address is assigned for a particular device, but that when you are using a device on a public router, for example a home internet system, it might show the same public IP address for more than one device at that location. In that regard, absent exceptional circumstances, every private IP address is unique, but two users on a common router could have the same public IP address as for example Bell or Rogers may, through their routers, assign an IP address to more than one device so it is possible for more than one device on a router to have the same public IP addresses.
18. Mr. Hyman was then cross-examined by the Student and testified that:
 - (a) The Student asked Mr. Hyman whether in a house where there were 15 people using one router could one IP address be assigned to more than one device. Mr. Hyman testified that he had no way to assess the likelihood of that happening.
19. Mr. Hyman was not re-examined, but was questioned by the Panel as to whether it was possible for there to be the same public IP address for each device or whether each would have its own unique address. Mr. Hyman indicated that it each

¹ The Page View Report also indicates that user_id ██████████, which belongs to UTORid d ██████████, accessed other pages on Quercus, including for different courses at earlier times on November 3, 2020 as well.

device would have its own private IP address, but it is possible that several devices sharing a common router could have the same public IP address.

20. This concluded the University's evidence.

e) Evidence of the Student

21. The Student made a brief opening statement and indicated that the IP address shown in the documents was not hers as it says it was from a Macintosh and she did not own one at the time of the test. Further, she indicated that the gmail address being used to access the answers was not her email although she understands it used her name, but it was simply not her email address. At the time of the test she lived in shared housing in a large home which had a communal internet. She did not know how many other people lived there at the time. Further, at the time of her meeting and discussions with Professor Quinlan she was not told the offence that she was alleged to have committed nor the sanctions that she could face. She answered the one question that was being targeted correctly and stated that the University was assuming that she could not have come up with the answer on her own.

22. The Student then testified on her own behalf as follows:

(a) The Student testified that the IP address for her on Quercus when she wrote the test is shown as having been from a Macintosh computer, but she did not own one at the time. Further the email address shown as the one being used to access the answers was also not hers and that email addresses can be created by anyone.

(b) She lived in a communal house with an unsecured network. It was a five-story house. Given the evidence on how IP addresses work it could have been anyone in that house.

(c) She was not informed of the nature of the alleged offence when she was sent an email from Professor Quinlan.

- (d) The answer in issue from the test was answered correctly and everyone is assuming that she could not have answered it on her own given that it was an open book test. Finally, the email address used was not hers and she did not access the answer on Chegg.com.

23. In cross-examination the Student testified that:

- (a) The Student confirmed that paragraph 8 of Mr. Hyman's affidavit (Page 123 of the Book of Documents), accurately set out her University of Toronto User ID and email address. The Student also confirmed that on November 3, 2020 at 7:00 p.m. she wrote Test 2 for the Course while logged in through the Quercus software platform and that she signed into it using her University of Toronto ID and password and that no one else had access to that password.
- (b) The Student confirmed that between 7:00 p.m. and 8:00 p.m. that day she was in front of her computer writing the test and she was not aware of anyone else using her University of Toronto ID during the test.
- (c) She confirmed that Chegg.com is a subscription service and that she is a subscriber and pays a monthly fee, and that she gave an email address to Chegg.com to be on it. She did not use the [d\[REDACTED\]s\[REDACTED\]@gmail.com](mailto:d[REDACTED]s[REDACTED]@gmail.com) address for Chegg.com, however, she confirmed that she has not advised of the email address that she does use for Chegg.com. The Student confirmed that the Quercus information at Page 127 of the Book of Documents shows that someone used her User ID to view the quiz page just before 7:00 p.m. and again at 8:00 p.m. viewed the quiz page as well.
- (d) The Student confirmed that she has no evidence that Quercus was in any way tampered with.
- (e) The Student indicated that she wrote the test from home, which was shared housing at [REDACTED] Toronto and that she lived there for two years between August 2019 and September 2021. She now lives near

██████████, but at the time of the hearing was visiting with family at home.

- (f) In the house she lived in at the time of the test there were 15 other people, but she could not recall any of their names. She only had access to the second and the third floor of the building. There were six bedrooms in that unit and each resident had their own bedroom, but they shared common spaces such as the bathroom and other common areas. She knew a few of the other residents by their first names.
- (g) The Student also indicated that she only knew the first name of a few of them and only the last name of one of them.
- (h) The residents had a group chat among the girls who were the residents on the second and third floor unit, but she no longer has access to that group chat.
- (i) The Student confirmed that they had to share their contact information with others in the house. The Student also indicated that if there was an issue with the router it was on the first floor and she did not have access to it.
- (j) There were six people in a group chat at any given time, but some would come and go depending on whether they moved in or out of the building. This included a 46 year-old person who was not a student. Half the residents were students.
- (k) It is possible that she may have known this person's first and last name from the group chat. It was her understanding that about half of them were University of Toronto students, however, she did not know if any of them were also students in the same course.
- (l) The other residents would not know who she was and she did not talk to anyone about issues.

- (m) She met with Professor Cowper by Zoom, but did not tell Professor Cowper about living in shared housing or there being 15 other people who might potentially have the same IP address.
- (n) She never saw the entirety of the house and was not sure who lived there and how many of them there were. The only way she could have known who the other residents were was from the postings by the landlord for the group chat. They had a group chat for the whole house and as well a separate chat for the second and third floor unit. She was removed from those group chats when she moved out in September 2021. She deleted the group chat from her phone.
- (o) The Student confirmed that she received the University's charges and disclosure and that included the Quercus report and that she knew that there was a link being alleged between the IP address used for the test and the one used for access to Chegg.com.
- (p) The Student confirmed that she deleted the list of addresses from the group chat.
- (q) Anyone who was in the building at the time of the test has since moved out except for one person who moved to the first-floor unit from her unit. She did not save their names or their phone numbers once they were removed from the group chat. Any conversations with them had been deleted and that was done one month afterwards.
- (r) She has not contacted the landlord to get the contact information for the previous tenants.
- (s) She only became aware of the email address in issue in her April 2021 meeting with Professor Cowper, but by then everyone had moved out except for the one who had moved to the first floor of the building. She is not aware if that person was in the same course as her nor was she aware

of anyone else in the building taking that course or that they were aware that she was taking it.

- (t) The Student denied owning a Macintosh.
 - (u) The Student also indicated that she was not aware that she had to admit to the allegations in order to get a specific sanction. Her understanding was unless she admitted to the matter it had to go to a hearing, but did not ask what the sanction would be if she did admit to it. In that regard, she did not do anything to find that out.
 - (v) However, she was provided with, and did understand, the guidelines which the University has if a student admits to an allegation.
24. In re-examination, the Student testified that the shared house she lived in at the time was owned by “Henry” and he tried to have as many units in it as possible. The residents included small families, students and a 46 year-old woman. There was no consistency, and she did not know the leases or how it was shared. She only knew the residents through WhatsApp and it was unknown to her who was present. She only knew some first names and had no relationship with them beyond that.
25. In response to questions from the Panel, the Student confirmed that she did not contact Chegg.com herself once she was aware of these issues and the laptop she used for the test was a PC which she no longer has.
26. This concluded the evidence for the Student.
27. The University did not call any reply evidence.

University’s Submissions

28. Assistant Discipline Counsel submitted that the Chegg.com data shows that a subscriber with the email address ds@gsu.edu accessed the test

information eight times during the time the test was being written. In that regard, the Student was the only S [REDACTED] C [REDACTED] taking the test.

29. Mr. Hyman's evidence made it clear that the same IP address used to write the test was the same as the one used for the Chegg.com access.
30. At 7:58 p.m. the question in issue from the test was answered on Chegg.com. The evidence demonstrates that between 7:32 p.m. and 7:59 p.m. that day the subscriber using the email address [\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com) checked a number of times, but there was not an answer. Following an answer being posted at 7:58 p.m., the subscriber accessed the answer on Chegg.com again at 7:59 p.m.
31. The Student's only possible explanation for this is that somehow given that there were 15 other people in her house it was possible for the external IP address to be the same as someone else's who would have accessed Chegg.com eight times to look for the answer to that one question from the test during the test. In the submission of Assistant Discipline Counsel that was simply unbelievable as the Panel would have to accept that someone who lived in the same house as the Student, was in the same course, was also a subscriber of Chegg.com and looked up the question during the test eight times.
32. To the contrary, and the much more likely explanation was that it was the Student who did this and she has not provided any evidence to support her position nor has she provided the names of anyone else living with her at the time and has instead deleted all of her contact information for them. She has not taken any steps to identify who might have done this despite having known of the concerns of serious misconduct for a significant period of time yet despite this she has not tried to contact anyone, nor has she provided the University with other potential names of people who might have done this.
33. On the Student's own evidence, she has no idea if anyone else in the house was also in that course and used her first and last name to access the answer on Chegg.com. On the balance of probabilities, Assistant Discipline Counsel

submitted that it was clear that the Student was the one who accessed Chegg.com to get the answer during the test.

34. Assistant Discipline Counsel also indicated that based on the University's Code, if an instructor forms the opinion that the student has satisfied him or her that the conduct was not committed, they can dismiss it.
35. Assistant Discipline Counsel submitted that the Quercus system and data were reliable and that the Student's use of Chegg.com was use of an unauthorized aid establishing that she committed the charges in question.

The Student's Submissions

36. The Student submitted that there was uncertainty in the evidence and that the evidence showed that it was possible for there to be an identical IP address for more than one device on a public network.
37. The Student also submitted that deciding the case on the balance of probabilities was unfair and that there was no physical evidence and that the evidence was impossible for her to provide.
38. The Student also submitted that the length of time this has gone on has had an effect on her mental health and that the University of Toronto has a poor track record with respect to student well-being. The Student also submitted that there were attempts to bully her into admitting the allegations and that she did not have the money to pay for legal representation.

University's Reply

39. Assistant Discipline Counsel reminded the Panel that the standard of proof is that a balance of probabilities which is more likely than not or 50% plus 1.

Standard of Proof

40. The onus is on the University to establish, based upon clear and convincing evidence on a balance of probabilities, that the academic offences charged have been committed.

Decision of the Tribunal

41. Based on the evidence and the submissions by counsel for the University and the Student, the Student was found guilty of one count of knowingly using or possessing an unauthorized aid or obtaining unauthorized assistance in connection with Test 2 in CHM135H1 contrary to section B.I.1.(b) of the Code as alleged in Charge 1 filed by the Provost on June 7, 2021.
42. Given this finding, the University withdrew allegations two and three.

Reasons for Decision

43. The core issue in this hearing was whether the University had discharged its onus of establishing on the balance of probabilities based upon clear and convincing evidence, that the Student accessed the answer to the question from the test on Chegg.com as if she did, she clearly knowingly used an unauthorized aid or obtained unauthorized assistance for the test. Having considered the evidence and the parties submissions, the Panel was satisfied that the University had discharged its onus.
44. In this regard, the evidence in this case clearly established that between 7:32 p.m. and 7:59 p.m. on November 3, 2020, while the Student was taking the test on Quercus, a Chegg.com subscriber from the University of Toronto with an e-mail address [c\[REDACTED\]s\[REDACTED\]@gmail.com](mailto:c[REDACTED]s[REDACTED]@gmail.com) viewed the question on Chegg.com eight times from the IP address [REDACTED].
45. Although the Student denied accessing the answer to the question on Chegg.com and denied that the email address [c\[REDACTED\]s\[REDACTED\]@gmail.com](mailto:c[REDACTED]s[REDACTED]@gmail.com) was hers or that she had a Macintosh computer, the Panel was satisfied that the Student's evidence in this regard was not credible.

46. The Student was the only student in the course with the name S [REDACTED] C [REDACTED] and the answer which she submitted for the question, corresponded to the Chegg.com answer, which was correct. Further, the question was answered on Chegg.com at 7:58 p.m., a subscriber with the email address [g \[REDACTED\] s \[REDACTED\] @gmail.com](mailto:g [REDACTED] s [REDACTED] @gmail.com) accessed it at 7:59 p.m. and the Student completed the test at 8:00 p.m.
47. The Student's User ID assigned to her by University Toronto's system was [REDACTED] and her University Toronto email address is [s \[REDACTED\] .c \[REDACTED\] @mail.utoronto.ca](mailto:s [REDACTED] .c [REDACTED] @mail.utoronto.ca). The Student confirmed that she had not provided her password to anyone else. The Student's Page View Report showed that the Student's User ID of [REDACTED] which was assigned exclusively to her accessed various sections of the Course including the test on November 3, 2020 up until 8:00 p.m. from a Macintosh computer also with assigned IP address [REDACTED], which is the same IP address as that which was used at the same time to access the answer to the test on Chegg.com.
48. Although the Student denied that she had a Macintosh computer at the time of the test, when asked what computer she used for it she stated that she used a PC which she no longer kept, this despite knowing that she was under investigation with respect to the test.
49. Despite denying that the email address [g \[REDACTED\] s \[REDACTED\] @gmail.com](mailto:g [REDACTED] s [REDACTED] @gmail.com) was hers and that she used that address to access Chegg.com to view the answer to the question, at no time did the Student ever advise the University or provide this Panel with the email address which as a subscriber she used to access Chegg.com.
50. Further, the Student indicated that there were 15 people in the house in which she lived at the time she took the test, but despite knowing that she was under investigation for an academic offence, took no steps to contact any of those individuals to see if they had been in the same course with her or had created a gmail address in her name which they used to access Chegg.com, nor did she attempt to obtain these individuals names and provide them to the University.

51. As a result, despite the Student's protestations, the Panel considered it to be highly improbable that another University of Toronto student taking the same course as the Student and writing the same test, living with her in the same house and using the same internet, would have created the email address of [q\[REDACTED\]s\[REDACTED\]@gmail.com](mailto:q[REDACTED]s[REDACTED]@gmail.com) in her name and use that email address to access the answer to the test on Chegg.com eight times between 7:32 p.m. and 7:59 p.m. when the Student was clearly writing the test, including viewing the answer at 7:59 p.m. after it was posted at 7:58 p.m., and then for the Student to have then completed the test at 8:00 p.m. on November 3, 2020 and for the IP address which the Student wrote the test to be identical to the IP address to that which accessed Chegg.com to obtain the answer.
52. Accordingly, on the balance of probabilities based upon the clear and convincing evidence, the Panel was satisfied that the University had established that the Student accessed the answer to the test on Chegg.com and then used it to complete the test and thereby committed the academic offence as alleged in Charge No. 1 as filed by the Provost on June 7, 2021, in that on or about November 3, 2020, the Student knowingly used or possessed an unauthorized aide or obtained unauthorized assistance in connection with Test 2 in CHM135H1 contrary to section B.I.1(b) of the Code.

Sanction

The University's Evidence

53. The University called no further evidence with respect to sanction, but indicated that it might call reply evidence depending on whether the Student provided any evidence and what that evidence was.

The Student's Evidence

54. The Student provided a letter from Dr. Houman Rashidian ("Dr. Rashidian") dated January 20, 2021 which was entered into evidence. She was then cross-examined. In cross-examination, the Student testified that:

- (a) She had never provided Dr. Rashidian's letter to the University and stated that when she spoke to the Dean's Designate she felt it was pointless to do so.
- (b) In her April 5, 2021 meeting with Professor Cowper she had this letter at the time, but chose not to provide it to her as she did not think it would make a difference. In addition, she did not tell Professor Cowper that the matter was impacting her mental health or that she was under the care of a doctor.
- (c) The point of her putting it into evidence now was to show how the University needed to improve matters and she was not using it for the purpose of obtaining a lesser sanction, but rather to demonstrate how these matters can have an impact on mental health. However, she also conceded that she had not raised this issue before today's hearing.
- (d) With respect to not being able to access legal assistance, she stated that she could not afford it, but did indicate that she had been given information with respect to the Downtown Legal Services, the University of Toronto's free Legal Aid Clinic, and had spoken to them, but was told she would only get a free 30 minute consult and then would be charged after that. This interaction happened about a year ago and she did not pursue it as she would be charged for it.
- (e) She conceded receiving the June 8, 2021 letter from Samanthe Huang around that date and confirmed that she did see the reference to the Downtown Legal Services, but is not sure if she contacted it before or after this letter.
- (f) She also confirmed receiving the pamphlet with respect to the Downtown Legal Services and confirmed that she was encouraged to retain legal counsel.

55. The Student had no further evidence on sanction and the Panel had no questions for her.

56. The University had no reply evidence on sanction.

The University's Submissions

57. Counsel for the University submitted that the proper sanction to be imposed on the Student should be:

- (a) a final grade of zero in the course CHM135H1 in Fall 2020;
- (b) a suspension from the University of Toronto from the date of this order for a period of 3 years, ending on November 11, 2024; and
- (c) a notation of the sanction on her academic record and transcript from the date of this order for a period of 4 years, ending on November 11, 2025; and
- (d) that the Tribunal further order that this case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed, with the Student's name withheld.

58. Assistant Discipline Counsel provided the Panel with a chart summarizing the sanctions which have been given to students by this Tribunal in prior similar cases.

59. In that regard, although the usual suspension for a first offence is a two-year suspension, the University was instead seeking the three-year suspension for the Student.

60. Although they are not binding on the Panel, based upon Section 8(e)(iv) of the Provost's Guidelines on sanctions contained in Appendix "C" to the Code, because Chegg.com is a commercial website from which information is purchased, the University would normally ask that the Student be expelled. However, in this case it was submitted that while the use of Chegg.com was an aggravating factor, the University was not seeking an expulsion, but was rather seeking a three-year suspension instead of a two-year one.

61. At this juncture, the Student advised the Panel that she had decided to leave the hearing and proceeded to disconnect from the Zoom video conference. She did not rejoin it.
62. Assistant Discipline Counsel then reviewed with the Tribunal the principles relative to sanction as set out in *The University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5, 1976) (“Mr. C.”) and submitted that:
- (a) The character of the Student:
- The Student had no insight or remorse. By leaving the hearing abruptly she demonstrated that she had no insight into her responsibility for her actions and has shown disrespect to the process. Her allegations that the University bullied her and that the instructors did something wrong or that Professor Cowper bullied her, also demonstrates her lack of character. Students are given legal resources and it is not credible that they would be charged for it. The Student blames everyone for her actions but herself.
- (b) The January 20, 2021 letter from the doctor does not address the Student’s mental state at the time commission of the offence nor did she previously provide it to the University or tell Professor Cowper about it. The University has not delayed this matter and has brought this hearing on quickly. There was no request from the Student to expedite the hearing.
- (c) The likelihood of a repetition of the offence:
- Although this was a first offence, the Student was so adamant in her denial and so brazen in her treatment of the process that this Panel should have no comfort that she has been deterred from re-offending.
63. Assistant Discipline Counsel reviewed with the Panel, *University of Toronto and T.J.*, (Case No. 1102, November 5, 2021) and *University of Toronto and A.K.*, (Case No. 1181, November 5, 2021) and submitted that both these cases involved accessing Chegg.com, but the students admitted their guilt and agreed to an

Agreed Statement of Facts and a Joint Submission on Sanction which is not present here.

64. Assistant Discipline Counsel also reviewed with the Panel the case of *University of Toronto and J.W.*, (Case No. 1082, August 23, 2019), and the Tribunal's finding in that case that a review of the Tribunal's cases demonstrates that there is a consensus that purchasing and submitting purchased work is among the most serious of offences. In this regard, Assistant Discipline Counsel pointed out that the Student had accessed Chegg.com eight times during the test demonstrating that the Student went back a number of times looking for the answer. Chegg.com is a commercial entity to which the Student was paying \$14.95 a month for a subscription. Her accessing it and using it is an aggravating factor, but is not considered to be as aggravating as would be buying an essay and that is why the University was seeking a three-year suspension rather than expulsion.
65. The chart which the University had provided summarizing similar decisions of this Tribunal and the sanctions which have been imposed in those cases were discussed by Assistant Discipline Counsel, who commented that where Students have admitted the allegations, they have received lower sanctions. Further, in cases such as *University of Toronto and D.K.*, (Case No. 1119, July 21, 2021) and *University of Toronto and K.Z.*, (Case No. 1126, September 13, 2021), there was no proof in those cases that the Students had a subscription to Chegg.com and so it could not be used as an aggravating factor.

The Student's Submissions

66. As indicated above, the Student advised the Panel that she had decided to leave the hearing and not make any submissions on sanction. The Panel encouraged the Student to remain and to make submissions on sanction, but despite the Panel's urging her to remain, the Student chose to leave the hearing and did not return. After receiving submissions from Assistant Discipline Counsel, the Panel chose to proceed in the Student's absence.

Sanction Decision

67. After deliberations, the Tribunal ordered that the following sanctions shall be imposed on the Student:
- (a) a final grade of zero in the course CHM135H1 in Fall 2020;
 - (b) a suspension from the University of Toronto from the date of this order for a period of 3 years, ending on November 11, 2024; and
 - (c) a notation of the sanction on her academic record and transcript from the date of this order for a period of 4 years, ending on November 11, 2025; and
 - (d) the Tribunal further orders 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 Student's name withheld.
68. An Order was signed at the hearing by the Panel to this effect.

Reasons for Sanction

69. The Tribunal considered the factors and principles relevant to sanction as set out by this Tribunal in *Mr. C*, supra, namely:
- (a) The character of the Student;
 - (b) The likelihood of the repetition of the offence;
 - (c) The nature of the offence committed;
 - (d) Any extenuating circumstances surrounding the committing of the offence; and
 - (e) The need to deter others from committing similar offences.

70. In addition to these factors, the panel considered other decisions of this Tribunal involving similar misconduct as contained in the University's Book of Authorities along with the chart in the appendix summarizing those cases and the sanctions imposed. However, the Panel remained cognizant of the fact that no two cases are identical and that it is not bound by past decisions of this Tribunal. However, the Tribunal does try to develop a consistent body of cases so that students are treated fairly and consistently in similar circumstances.
71. In that regard, the Student's adamant denial of the allegations and her refusal to accept responsibility for her conduct were troubling to the Panel in the context of assessing her character. Further, given her behaviour, the Panel was concerned that there was a real likelihood that the Student would potentially commit a repetition of the offence. By cheating on the test, the Student undermined the grades-based system of evaluation and broke the honour code that is essential to modern learning. In that regard, the pandemic and the resulting required online learning provides more opportunities for students to cheat, requiring the University to go to considerable lengths to detect and uncover students' misconduct.
72. Further, in today's online world, it is easy for students to find new ways to access unauthorized assistance and so any sanction must denounce cheating on tests and deter others in order to protect the academic integrity of the University. Students must understand that this kind of misconduct will have serious repercussions, so that they will be dissuaded from the temptation to consider cheating.
73. The Panel accepted the University's submission that by using Chegg.com, a paid commercial subscription service, the Student committed a more serious form of academic misconduct, and that while normally the sanction for the first offence would be a two year suspension, the Panel was satisfied that the circumstances of this case combined with this aggravating factor while considering the range of sanctions provided by prior decisions of this Tribunal in similar circumstances, a three year suspension of the Student from the University was appropriate.

Dated at Toronto, this 13th day of January 2022

Original signed by: _____

Mr. Christopher Wirth, Chair
On behalf of the Panel