

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty filed on July 12, 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

BETWEEN:

UNIVERSITY OF TORONTO

- and -

P [REDACTED] F [REDACTED]

REASONS FOR DECISION

Hearing Date: July 20, 2022, via Zoom

Members of the Panel:

Mr. Simon Clements, Chair
Professor Gabriele D'Eleuterio, Faculty Panel Member
Mr. Dylan Dingwell, Student Panel Member

Appearances:

Mr. William Webb, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

Mr. Christopher Lang, Director, Office of Appeals, Discipline & Faculty Grievances

Not in Attendance:

Mr. P [REDACTED] F [REDACTED], the Student

1. This panel of the University Tribunal held a hearing on July 20, 2022 to consider the charges brought by the University of Toronto (the “University”) against Mr. P [REDACTED] F [REDACTED] (the “Student”) under the Code of Behaviour on Academic Matters, 1995 (the “Code”).

A. Preliminary Issue: Proceeding in the Absence of the Student

2. The hearing was scheduled to begin at 10:45 a.m. on July 20, 2022, via Zoom. At that time, Assistant Discipline Counsel advised that neither the Student nor a representative of the Student had responded to the Notice of Hearing. The Zoom waiting room was opened at 10:15 a.m.. At 10:45 a.m., the Student had not joined the Zoom hearing. The Tribunal waited a further five minutes and then invited Assistant Discipline Counsel to present any evidence and make submissions on proceeding in the absence of the Student.

3. Samanthe Huang is an Administrative Assistant with the Appeals, Discipline and Faculty Grievances Office (the “ADFG Office”), Office of the Governing Council, University of Toronto (the “University”). On July 12, 2021, she served the Student with a letter regarding the charges that were filed against him, together with copies of the charges, the Code, the *University of Toronto Rules of Practice and Procedure* (the “Rules”) and a pamphlet for Downtown Legal Services. Ms. Huang served the Student with these documents by email at xxxxxxxx@mail.utoronto.ca, which is the email address that the Student had provided in the Repository of Student Information (“ROSI”).

4. On June 15, 2022, Ms. Huang served the Student with the Notice of Electronic Hearing for a hearing on July 20, 2022 at 9:45 a.m. (EST). Ms. Huang advised the Student that the hearing would be conducted using the Zoom videoconferencing platform and she provided the Student with the coordinates to access the videoconference.

5. On July 8, 2022, Ms. Huang served the Student with a Revised Notice of Electronic Hearing, changing the time of the hearing from 9:45 a.m. to 10:45 a.m.

6. Ms. Huang has sworn in her Affidavit that she did not receive a “bounce back” message to any of her emails, and that the Student had not responded to any of the above-noted correspondence.

7. Further, Assistant Discipline Counsel referred to the affidavit of Kimberley Blake who is a legal assistant in the office of Discipline Counsel regarding further efforts made to contact the Student. The Academic Integrity Unit at the University of Toronto Mississauga provided Ms. Blake with a copy of the contact information for the Student in ROSI.

8. Between September 23, 2021 and July 12, 2022, numerous attempts were made to contact the Student by email and by phone. On July 5, 2022, Mr. Webb left a voicemail for the Student stating that he was Assistant Discipline Counsel to the University of Toronto, that he was calling about academic integrity charges against the Student, that the Student should check his university email account for an email from Mr. Webb, and that he should get in touch with Mr. Webb by phone or email as soon as possible. The Student never responded to any of these attempts to contact him.

9. Assistant Discipline Counsel referred to the Affidavit of Andrew Wagg who is an Incident Report Architect at Information Security, Information Technology Services at the University. Information Technology Services manages the email accounts used by students. To access an email account one needs to input both the user's login id and the password for that account. The Microsoft 365 Exchange portal automatically records the last time someone accessed a particular university-issued email account. This is denoted with the code "LastUserActionTime." The LastUserActionTime log only updates when someone logs in to a university-issued email account. On June 21, 2022, Mr. Wagg checked the portal records to determine the last time someone accessed the email account for the Student listed in ROSI and determined that the last time someone accessed this e-mail account was on June 18, 2022, at 8:17:59 PM, local Toronto time. As of that date both the Charges, and the Notice of Electronic Hearing had been emailed to the Student, and Assistant Discipline Counsel had emailed the Student at that address four times concerning the Hearing.

10. Pursuant to sections 6 and 7 of the *Statutory Powers Procedure Act* (the “Act”) and Rule 17 of the Rules, where reasonable notice of an oral hearing has been given to a party in accordance with the Act and the party does not attend the hearing, the Tribunal may proceed in the absence of the party and the party is not entitled to any further notice in the proceeding.

11. The University requested that the Tribunal proceed with this hearing in the absence of the Student.

12. Pursuant to Rule 9, a Notice of Hearing may be served on a student by various means, including by sending a copy of the document by courier to the student’s mailing address in ROSI or by emailing a copy of the document to the student’s email address in ROSI.

13. The University’s Policy on Official Correspondence with Students expressly states that students are responsible for maintaining a current and valid postal address and email account on ROSI. Students are expected to monitor and retrieve all mail, including emails, on a frequent and consistent basis.

14. The onus of proof is on the University to demonstrate that it provided a student with reasonable notice of the hearing.

15. Based on the totality of the attempts made to provide notice to the Student, the Tribunal concluded that the Student was given reasonable notice of the hearing in compliance with the notice requirements of the Act and the Rules.

16. The Tribunal therefore determined it would proceed to hear the case on its merits in the absence of the Student, and the hearing proceeded on the basis that the Student was deemed to deny the Charges made against him.

B. The Charge and Particulars

17. The Charges and Particulars were detailed in a letter to the Student dated July 12, 2021, and are set out below. The charges are for unauthorized assistance, plagiarism, and academic misconduct in relation to two online examinations and one online assignment:

1. On or about April 7, 2020, you knowingly obtained unauthorized assistance in connection with the final exam in MAT224H5S (“MAT224”), contrary to section B.I.1(b) of the Code.
2. In the alternative, on or about April 7, 2020, you knowingly represented as your own an idea or expression of an idea or work of another in the final exam in MAT224, contrary to section B.I.1(d) of the Code.
3. In the further alternative, on or about April 7, 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 the final exam in MAT224, contrary to section B.I.3(b) of the Code.
4. On or about April 16, 2020, you knowingly obtained unauthorized assistance in connection with the final exam in MAT232H5S (“MAT232”), contrary to section B.I.1(b) of the Code.
5. In the alternative, on or about April 16, 2020, you knowingly represented as your own an idea or expression of an idea or work of another in the final exam in MAT232, contrary to section B.I.1(d) of the Code.
6. In the further alternative, on or about April 16, 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 the final exam in MAT232, contrary to section B.I.3(b) of the Code.

7. On or about November 13, 2020, you knowingly represented as your own an idea or expression of an idea or work of another in an assignment in CSC369H5F (“CSC369”), contrary to section B.I.1(d) of the Code.
8. In the alternative, on or about November 13, 2020, you knowingly obtained unauthorized assistance in connection with an assignment in CSC369, contrary to section B.I.1(b) of the Code.
9. In the further alternative, on or about November 13, 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 an assignment in CSC369, contrary to section B.I.3(b) of the Code.

Particulars of the offences charged are as follows:

1. At all material times you were a student enrolled at the University of Toronto Mississauga

MAT224

2. In Winter 2020, you enrolled in MAT224 (Linear Algebra II).
3. Due to the Covid-19 pandemic, the final exam in MAT224 was administered online on April 7, 2020 from 9:00 am to 12:00 pm. Students were required to work independently on the exam and were not permitted to consult outside sources.
4. On April 7, 2020, you submitted your answers to the final exam in MAT224.
5. During the final exam in MAT224, you posted questions and viewed answers from the exam on 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 to which you were allowed to refer in completing the final exam in MAT224.

6. You knowingly obtained unauthorized assistance in the final exam in MAT224 from Chegg.com.
7. You submitted the final exam in MAT224:
 - (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, including the author(s) of answers that were 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 the final exam in MAT224 with the intention that the University of Toronto Mississauga rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.

MAT232

9. In Winter 2020, you enrolled in MAT232 (Calculus of Several Variables).
10. Due to the Covid-19 pandemic, the final exam in MAT224 was administered online on April 16, 2020 from 9:00 am to 12:00 pm. Students were required to work independently on the exam and were not permitted to consult outside sources.
11. On April 16, 2020, you submitted your answers to the final exam in MAT232.
12. During the final exam in MAT232, you posted questions and viewed answers from the exam on Chegg.com. You knew that Chegg.com was not an authorized source to which you were allowed to refer in completing the final exam in MAT232.
13. You knowingly obtained unauthorized assistance in the final exam in MAT232 from Chegg.com.

14. You submitted the final exam in MAT232:
 - (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, including the author(s) of answers that were 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.
15. You knowingly submitted the final exam in MAT232 with the intention that the University of Toronto Mississauga rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.

CSC369

16. In Fall 2020, you enrolled in CSC369 (Operating Systems).
17. Students in CSC369 were required to submit Assignment 3, which was worth 13% of their final grades. They were required to work independently on the assignment.
18. On or about November 13, 2020, you submitted Assignment 3 in CSC369.
19. You submitted Assignment 3 in CSC369:
 - (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; and
 - (c) knowing that you did not properly reference the ideas, expressions of ideas or work that you drew from others.
20. You knowingly obtained unauthorized assistance in Assignment 3 in CSC369 from others.

21. You knowingly submitted Assignment 3 in CSC369 with the intention that the University of Toronto Mississauga rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work

C. The Evidence

(i) The Exams

18. The University called the evidence of Professor Jacopo De Simoi who is an Associate Professor in the Department of Mathematical and Computational Sciences (the “department”) at the University of Toronto Mississauga. He is the head of the academic integrity initiative in the department. Professor De Simoi was not the instructor of either MAT224 or MAT232. Professor De Simoi has a Doctorate in Mathematics. He testified that he was qualified to teach both courses based on his academic training and has, in fact, taught other courses with significant overlap of subject matter.

19. The issue which arises in respect of both exams is use by the Student of an online platform called Chegg.com. Chegg is a subscription-based website that allows students to post problems to the site, which are then answered by so-called “experts”. Subscribers can access the questions and answers posted by others on the site. Based on his academic training, Professor De Simoi was able to compare the answers submitted by the Student with the answers found on Chegg. He was able to provide his view as to whether the similarities in the answers were more than a coincidence, and were copied by the Student.

20. The examination in MAT224 was written online on April 7, 2020. The instructions to students prior to writing the exam stated that students were not permitted to receive help from any other person or the internet. On that basis use of Chegg was prohibited.

21. Chegg 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 permits instructors to request an “Honor Code investigation” for alleged violations of its “code”. Professor De Simoi advised that in May 2020,

the department formed an initiative to address professors' concerns about academic integrity issues, including the issue that questions from exams in several courses had been posted to Chegg. Professor De Simoi was the head of this initiative and was responsible for investigating over 400 cases of suspected academic misconduct in relation to Chegg.

22. Professor Qun Wang, the course instructor for MAT224, found that several questions and answers from the MAT224 exam had been posted on Chegg during the exam. The department requested that Chegg conduct an Honour Code investigation into the matter. The Chegg Honor Code Team sent the department an Excel spreadsheet which provided details of the "askers" and "viewers" of the questions that had been identified.

23. The Chegg data shows that a subscriber from the University of Toronto with the email address xxxxxxxx@gmail.com posted several questions to Chegg during the MAT224 exam on April 7, 2020 by posting screen shots of the questions. In addition, the data showed that the same subscriber viewed the answer to several questions that other users posted to Chegg during the MAT224 exam and the answers that had been posted to Chegg.

24. Professor De Simoi compared the Student's answers to the Chegg answers and found notable similarities including answers that were highly similar and provided the correct final answer, but they did not fully explain how they arrived at the final answer. In Professor De Simoi's opinion, it was unlikely that both the Student's answer and the Chegg answer would have the same correct final answer and the same incomplete justification due to coincidence. Similarly, another answer on the Student's exam used a nearly identical algebraic structure to the Chegg answer. There were no singular idiosyncratic features, but the fact that both answers use a nearly identical algebraic structure was unusual. In another answer both answers used a nearly identical algebraic structure. Both answers were correct, but both missed the same term to justify the final answer. This omission is unusual and unlikely to have arisen due to coincidence.

25. This pattern was repeated in the exam for MAT232 written online on April 16, 2020. Once again, no outside assistance was permitted. The Chegg data shows that a subscriber from the University of Toronto with the email address xxxxxxxx@gmail.com posted several questions to

Chegg. These questions were screen shots of questions from the MAT232 exam, and they were answered on Chegg during the exam period. The Chegg data shows that the same subscriber viewed the answers to questions after they had been posted to Chegg and during the MAT232 exam.

26. Professor De Simoi compared one of the answers on the Student's exam with the Chegg answer. Both answers used similar expressions and a similar algebraic structure. The answers are correct and use a standard algebraic approach, but they both contained the same very odd feature. In particular, the first expression in both answers contained the variable "J", which becomes "1/3" at the end of the next equation, and "1/9" at the front of the next equation. The variable "1/3" in this equation is a constant, which typically comes at the front of an equation. Professor De Simoi's stated it is very odd to include "1/3" at the end of the sequence rather than the front of the equation and, in his view, it is unlikely that these similarities arose due to coincidence.

27. Professor De Simoi also explained how he satisfied himself that the individual posting the questions and reviewing answers on Chegg was the Student. 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, and take tests. To access Quercus, a student needs to input their user login id and the password for their account. The Student's Quercus account was accessed several times on the date of the MAT224 exam (April 7, 2020) and several times on the date of the MAT232 exam (April 16, 2020) from the internet protocol ("IP") address which is the same IP address from which xxxxxxxx@gmail.com accessed Chegg during the MAT224 and MAT232 exams.

(ii) The Assignment

28. Regarding the assignment in course CSC369, the University called the evidence of the instructor of the course, Professor Bogdan Simion.

29. The syllabus for the course contained a section on academic integrity that stated plagiarism was a serious matter. The syllabus contained guidelines and resources on how students could avoid

plagiarism and warned students that the department used plagiarism detection software. In addition, students writing the assignment were required to sign a declaration in which they acknowledged that no code other than their own has been submitted and that if the code is detected to be plagiarised, severe academic penalties will be applied when the case is brought forward to the Dean.

30. Students were required to submit assignment 3, which was worth 13% of their final grades, on November 13, 2020.

31. The assignment required students to create an operating systems program in “C”, which is a general-purpose computer programming language. Students were required to write code that could implement various tasks related to computer memory. There were virtually an infinite number of ways that students could have written the code to complete the assigned tasks.

32. On November 13, 2020, the Student submitted his assignment. The Student’s assignment was run through a software program called Measure of Software Similarity (“Moss”), which detects similarities in computer code. Moss detected substantial similarities between the Student’s code and the code submitted by another student, B.K., when they took the course the previous year in Fall 2019.

33. Professor Simion reviewed the Moss report and determined that there were substantial similarities between the Student’s code and B.K.’s code. In several places, both assignments used the same or highly similar programming logic and contained verbatim or near verbatim textual similarities. Given the number and degree of similarities, it was Professor Simion’s view that it was highly unlikely that the similarities between the assignments are coincidental.

34. On December 10, 2020, Professor Simion met with the Student to discuss his assignment. After the meeting, he sent the Student an academic integrity form, and asked him to select one of the boxes (Guilty/Not Guilty) with respect to the suspected plagiarism, to e-sign and date the form, and send it back. Later that day, the Student sent Professor Simion a signed copy of the admission form in which he admitted that he was guilty.

(iii) Dean's Meeting

35. On February 2, 2021, Professor Michael Georges, Dean's Designate for Academic Offences at the University of Toronto Mississauga, met with the Student via Zoom to discuss the alleged academic misconduct. At the outset of the meeting, Professor Georges gave the Student the caution that he is required to provide under the Code.

36. Professor Georges showed the Student a copy of his CSC369 assignment and the code that another student, B.K., submitted when they took the course the year before in Fall 2019. The Student stated that he took the source code and tried to build on it, but he now recognized that this was not appropriate without citing where he had found the code. Professor Georges stated that the Student had been at the University for three years and that he should have known better. The Student stated that he should have known better and stated that he was taking full responsibility for his actions.

37. Professor Georges asked about the MAT224 final exam, and the Student explained that he was under considerable stress in early 2020 because he was supposed to be on a Ukrainian Airlines flight that was shot down in January 2020. In addition, he stated that he suffered anxiety when the Covid-19 pandemic peaked in Iran because members of his family had been infected with the virus. The Student stated that he figured a lot of people would take advantage of online exams and he made a poor judgement call.

38. Professor Georges asked about the MAT232 final exam, and the Student admitted that he posted the questions and viewed answer on Chegg.com. The student stated that, during the exam, he realized that he could answer the questions on his own and that the answers he submitted were his own work.

39. At the end of the meeting, Professor Georges asked the student to enter a plea of guilty, not guilty, or no plea with respect to each of the three offences. The student entered "no plea" with respect to each of the three offences.

D. Decision of the Tribunal

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

41. The Tribunal is of the view that the University has satisfied the onus with respect to charges 1 (unauthorized assistance in connection with the final exam in MAT224 contrary to section B.I.1(b) of the Code), 4 (unauthorized assistance in connection with the final exam in MAT232, contrary to section B.I.1(b) of the Code), and 7 (knowingly represented as your own an idea or expression of an idea or work of another in an assignment in CSC369 contrary to section B.I.1(d) of the Code).

42. In *University of Toronto v P.* (Case No. 1276, April 13, 2022), another case dealing with Chegg.com, the Tribunal noted that posting the questions on Chegg is sufficient for a finding of guilt because attempts to commit the offences in the Code are themselves offences, noting that section B.II.2 of the Code states that “Every member who, having an intent to commit an offence under this Code, does or omits to do anything for the purpose of carrying out that intention (other than mere preparation to commit the offence) is guilty of an attempt to commit the offence and liable upon conviction to the same sanctions as if he or she had committed the offence.”

43. In MAT224 the evidence is that the Student posted seven questions on Chegg during the course of the exam and viewed seven additional answers which had been posted by other subscribers. A review of the Chegg data itself is sufficient to make a finding of guilt on Charge 1 because proof of posting the questions is sufficient to make that finding. The same IP address was used to access Quercus and Chegg.com. Both a username and password are required to access Quercus. The Tribunal finds that on a balance of probabilities it was the Student who accessed both Quercus and Chegg.com from the same IP address.

44. Moreover, with respect to MAT224, the evidence of Professor De Simoi was that the Student’s answers and the Chegg answers were sufficiently similar to infer that the Student copied answers that were posted on Chegg. This including one answer where both answers were correct

but both missed the same term to justify the final answer. This omission was unusual and unlikely to have arisen due to coincidence. The Tribunal agrees that the inference can be drawn from the Chegg data that during the MAT224 exam that the Student obtained unauthorized assistance from posts made on Chegg.com to complete the answers that the Student submitted on the exam.

45. Regarding the MAT232 final exam, at the Dean's meeting the Student admitted that he posted the questions and viewed answers on Chegg.com. This admission is sufficient for a finding of guilt on Charge 4. In addition, Professor De Simoi noted the placement of a variable in the Student's answer and in the Chegg answer to one of the exam questions was the same, and could not be explained by coincidence. The Tribunal is persuaded that the Student obtained unauthorized assistance from an answer on Chegg.com to complete the exam.

46. Last, regarding the assignment in CSC369, the Moss programme detected substantial similarities between the Student's code and the code submitted by another student, B.K., when B.K. took the course the previous year in Fall 2019. Dr. Simeon met with the Student to discuss the assignment. After the meeting, he sent the Student an academic integrity form. Later that day, the Student sent Professor Simeon a signed copy of the admission form in which he admitted that he was guilty of plagiarism. Based on this admission the Tribunal finds that the Student is guilty of plagiarism in the assignment by using the work of B.K. to complete the answer that the Student submitted on the assignment.

E. Penalty

47. The matter continued with a hearing on the appropriate sanction. The University requested that the following sanctions be imposed:

- (a) a final grade of zero in MAT224H5S in Winter 2020;
- (b) a final grade of zero in MAT232H5S in Winter 2020;
- (c) a final grade of zero in CSC369H5F in Fall 2020;

- (d) a suspension from the University of Toronto from the date of this order for a period of 4 years; and
- (e) a notation of the sanction on his academic record and transcript from the date of this order until graduation.

48. The University introduced evidence of the Student's academic record and a prior academic offence. In Winter 2018, the Student registered in PHL101H5S. The student submitted an assignment in the course, which was worth 20% of his final grade.

49. On March 5, 2019, the Student attended a Dean's Designate meeting in which the Student admitted to plagiarising in the assignment. The Student received a sanction of a grade of zero on the assignment, and a notation on his transcript for 12 months.

50. On March 22, 2019, the University sent the Student a letter confirming this outcome and warning him that any future academic misconduct would be treated more seriously. The letter stated in part: "I trust that you have had time to reflect on the seriousness of this incident and will not commit another academic offence. Please be advised that any subsequent allegations of offence are usually referred directly to the Tribunal for investigation."

51. To provide guidance to students facing a hearing at the Tribunal, the Code states that absent exceptional circumstances, the Provost will request that the Tribunal suspend a student for three or more years for any offence involving academic dishonesty, where a student has committed a prior offence, and impose a notation on a student's academic transcript and notation that is at least one year longer than any period of suspension that is imposed. The penalty that has been requested by the University in this case is a four year suspension which meets the Provost's guidelines.

52. In support of the request for a four year suspension, Assistant Discipline Counsel referred the Tribunal to the *Mr. C.* factors and to similar cases regarding unauthorized use of Chegg.com.

53. *University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5, 1976) has long been recognized as the leading decision on sentencing principles. These factors are:

- (a) the character of the person charged;
- (b) the likelihood of repetition of the offence;
- (c) the nature of the offence committed;
- (d) any extenuating circumstances surrounding the commission of the offence;
- (e) the detriment to the University occasioned by the offence; and
- (f) the need to deter others from committing a similar offence.

54. The Student did not participate in any aspect of the discipline proceeding, nor did the Student attend the hearing. Ignoring the discipline process is suggestive of a disregard for the seriousness of the conduct the Student engaged in, which were acts of deliberate dishonesty.

55. There is a serious risk that the Student will offend again, given the opportunity to do so. The Student committed his first offence in the winter term of 2019. The Student admitted that he plagiarized an assignment. The Student was warned that the University regards with great seriousness all acts of academic dishonesty and why they cannot be tolerated. Having been warned of the consequences of academic dishonesty, the Student has now committed three further acts of academic dishonesty by obtaining unauthorized assistance on two examinations in April 2020, and by plagiarizing an assignment in November 2020. The Student's conduct following the meeting with the Dean's Designate after his first academic offence demonstrates an escalation of the dishonesty that the Student was prepared to engage in.

56. Two of the offences were committed in the early months of the pandemic. The Tribunal considered the effect of the pandemic in relation to the *Mr. C.* factors in *University of Toronto v T.J.* (Case No. 1102, July 26, 2021), stating:

“The Covid-19 pandemic has amplified the importance of trust. Online learning provides more opportunities for students to cheat... 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... this 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”.

57. The Tribunal agrees with these remarks. The pandemic is an extenuating circumstance, and the Student expressed in his meeting with the Dean’s Designate his worry for his family at home. However, more compelling is the fact that the Student took the opportunity of online examinations to cheat by posting questions and copying answers. The Student exploited unique circumstances brought about by the pandemic to gain an advantage.

58. The Tribunal in T.J. also noted the need for deterrence stating, “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”.

59. In the present case Professor De Simoi noted that there were 400 cases of cheating by accessing Chegg.com in the University of Toronto Mississauga Math Department alone, highlighting the need for deterrence, otherwise the whole online examination system risks being irretrievably compromised.

60. As described in the *University of Toronto v. S.E.C.* (Case No.1215, January 13, 2022), 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.

61. Assistant Discipline Counsel provided the Tribunal with a summary of Chegg cases all decided by the Tribunal in 2021 and 2022. These cases show that there has been a range of sanctions from a two year suspension/three year notation in cases where the student had no prior offences, to a three year suspension/four year notation for students with a prior offence and the student had participated in the discipline process and submitted an Agreed Statement of Facts and a Joint Submission on Penalty, up to one similar case where the student had two prior offences, and did not participate in the discipline process. That student was sanctioned with a four year suspension and a notation on the transcript to graduation.

62. The Tribunal was urged to impose the same sanction in the present case as was imposed in *University of Toronto v Z.* (Case No 1106, March 24, 2022). At paragraph 30 of *Z.*, supra, the Tribunal justified its decision to impose a penalty towards the upper end of the range, and more severe than had been imposed in other Chegg cases. Describing the *Mr. C.* factors and the student's abstention from the discipline process, the Tribunal stated:

“He did not appear at his hearing despite evidence that he was aware of it taking place and had been made aware of his right to seek assistance in putting forward any case on the merits or arguments on penalty to address any extenuating circumstances which might affect our decision. In his absence and on the facts as we know them, including that he had used a paid service to facilitate his cheating, we had no basis on which to consider a lesser penalty than that requested by the University. We agreed that because of the previous offences and because a paid service was used to commit the misconduct, there was a sound basis for imposing a four-year suspension rather than the three years that had been imposed in the examples given of the other cases involving Chegg.com.”

63. The Tribunal believes that a four year suspension and a notation to graduation is amply supported in this case. By using Chegg.com, a paid commercial subscription service, the Student committed a more serious form of academic misconduct. The Student committed his first academic offence of plagiarism before the pandemic. In total, he has committed four academic offences in the span of two and a half years, three of which were committed after he had been warned of the severe consequences of a repeat offence. The Student could have admitted guilt at the Dean's

Meeting but instead entered no plea. The Student could have cooperated in the discipline process but did not do so. The Student has shown no remorse, nor insight into his conduct.

F. Conclusion

64. The Tribunal makes the following order:

THAT the hearing may proceed in the absence of the Student;

THAT the Student is guilty of knowingly obtaining unauthorized assistance in connection with the final exam in MAT224H5S, contrary to section B.I.1(b) of the *Code*;

THAT the Student is guilty of knowingly obtaining unauthorized assistance in connection with the final exam in MAT232H5S, contrary to section B.I.1(b) of the *Code*;

THAT the Student is guilty of knowingly representing as his own an idea or expression of an idea or work of another in an assignment in CSC369H5F, contrary to section B.I.1(d) of the *Code*;

THAT the following sanctions shall be imposed on the Student:

(a) a final grade of zero in MAT224H5S in Winter 2020;

(b) a final grade of zero in MAT232H5S in Winter 2020;

(c) a final grade of zero in CSC369H5F in Fall 2020;

(d) a suspension from the University of Toronto from the date of this order for a period of 4 years; and

(e) a notation of the sanction on his academic record and transcript from the date of this order until graduation; and

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.

Dated at Toronto this 18th day of October 2022

Original signed by:
Simon Clements, Co-Chair
On behalf of the Panel