

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on February 10, 2022,  
**AND IN THE MATTER OF** the University of Toronto *Code of Behaviour on Academic Matters, 1995*,  
**AND IN THE MATTER OF** the *University of Toronto Act, 1971*, S.O. 1971, c. 56 as amended S.O. 1978, c. 88

**B E T W E E N:**

**THE UNIVERSITY OF TORONTO**

**- AND -**

**M [REDACTED] R [REDACTED]**

**REASONS FOR DECISION**

**Hearing Date:** September 21, 2022, via Zoom

**Panel Members:**

Mr. Christopher Wirth, Chair  
Professor Alexander Koo, Faculty Panel Member  
Ms. Jessica Johnson, Student Panel Member

**Appearances:**

Mr. William Webb, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP  
Mr. Ryan Shah, Articling Student, Paliare Roland Rosenberg Rothstein LLP

**Hearing Secretary:**

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

**Not in Attendance:**

Mr. M [REDACTED] R [REDACTED]

1. A Panel of the Trial Division of the University Tribunal was convened on September 21, 2022 by videoconference to consider charges brought by the University of Toronto (the “University”) against M■■■■ R■■■■ (the “Student”) under the University’s *Code of Behaviour on Academic Matters, 1995* (the “Code”).

### **Preliminary Issue: Proceeding in the Absence of the Student**

2. The hearing was scheduled to begin at 9:45 a.m. Neither the Student, nor anyone on the Student’s behalf, were logged onto the Zoom link at that time. The Panel waited until 11:35 a.m. to start the hearing. The University then requested that the Panel proceed with the hearing in the Student’s absence.
3. Pursuant to Rule 16 of the *University Tribunal Rules of Practice and Procedure* (the “Rules”), notice of an electronic hearing must include the date, time, place and purpose of the hearing; a reference to the statutory authority under which the hearing will be held; information about the manner in which the hearing will be held; and a statement that if a person does not attend the hearing, the Panel may proceed in the person’s absence. Rule 17 provides that where notice of an electronic hearing has been given to a person and that person does not attend the hearing, the Panel may proceed with the hearing in the party’s absence. The Rules conform to sections 6 and 7 of the *Statutory Powers Procedure Act* (the “SPPA”), which set out the notice requirements.
4. Pursuant to Rule 9, a notice of hearing may be served on a student by various means, including by emailing a copy of the document to the student’s email address contained in the University’s Repository of Student Information (“ROSI”).
5. The University’s *Policy on Official Correspondence with Students* dated September 1, 2006 expressly states that students are responsible for maintaining on ROSI a current and valid mailing address and University-issued email account, and that “[f]ailure to do so may result in a student missing important information and will not be considered an acceptable rationale for failing to receive official correspondence from the University.” Students are expected to monitor and

retrieve their email on a frequent and consistent basis. Students have the right to forward their University issued email account to another email account, but remain responsible for ensuring that all University email communications are received and read.

6. The onus of proof is on the University to establish that it provided the Student with reasonable notice of the hearing in accordance with these Rules.
7. In this case, the University provided evidence relevant to service by way of the evidence of four witnesses: Jade Hazell (“Ms. Hazell”), an Academic Integrity Assistant in the Academic Integrity Unit at the University, Kimberly Blake (“Ms. Blake”), a Legal Assistant at the law firm of Paliare Roland Rosenberg Rothstein LLP, Andrew Wagg (“Mr. Wagg”), an Incident Report Architect at Information Security, Information Technology Services at the University and Samanthe Huang (“Ms. Huang”), an Administrative Assistant with the Appeals, Discipline and Faculty Grievances Office, Office of the Governing Council 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* (the “Rules”).
8. The contents of the affidavits (without Exhibits) of these four witnesses are set out below:

**a) Evidence of Ms. Hazell**

9. Ms. Hazell’s affidavit provides as follows:
  1. I am an Academic Integrity Assistant in the Academic Integrity Unit (“AIU”) at the University of Toronto Mississauga. 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 that I believe it to be true.
  2. The AIU is responsible for investigating allegations of academic misconduct and arranging meetings between students and 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 2020, our office received allegations from the Department of Mathematical and Computational Sciences that M■■■■ R■■■■ (the “student”) used or possessed an unauthorized aid or obtained unauthorized assistance in connection with his MAT224 and MAT236 exams in Winter 2020.
4. From December 16, 2020, to January 12, 2021, I tried to schedule a meeting between the student and the Dean’s Designate for Academic Integrity to discuss the allegations that the student committed an academic offence. On January 12, 2021, the student confirmed that he would attend a dean’s meeting that was scheduled for later that day. I have attached a copy of these emails to my affidavit as **Exhibit A**.
5. On January 12, 2021, I waited in the zoom meeting room for approximately 20 minutes, but the student did not attend the meeting. I emailed the student to inform him that the meeting had been cancelled because he did not attend. I have attached a copy of this email to my affidavit as **Exhibit B**.
6. On January 13, 2021, I sent the student an email urging him to contact the AIU as soon as possible. I have attached a copy of this email to my affidavit as **Exhibit C**.
7. To date, the AIU has received no further correspondence from the student.
8. I have attached a copy of the student’s academic record, as of August 26, 2022, to my affidavit as **Exhibit D**.

***b) Evidence of Ms. Blake***

10. Ms. Blake’s affidavit provides as follows:

1. I am a legal assistant at the law firm Paliare Roland Rosenberg Rothstein LLP. I work with William Webb, an associate at Paliare Roland, and Tina Lie, a partner at Paliare Roland. Both Mr. Webb and Ms. Lie act as Assistant Discipline Counsel to the University of Toronto. As such, I have knowledge of the matters contained



checking his University of Toronto email. Mr. Webb sent the student information about pro bono legal services (Downtown Legal Services), information about fee-for-service lawyers, and the disclosure materials. I have attached a copy of this email to my affidavit as **Exhibit F**.

8. On July 5, 2022, Mr. Webb emailed the student about scheduling a hearing date. Mr. Webb advised that if he did not hear back, by July 11, 2022, he would request a hearing be scheduled. I have attached a copy of this email to my affidavit as **Exhibit G**.
9. On July 20, 2022, Mr. Webb emailed the Office of Appeals, Discipline and Faculty Grievances (“ADFG Office”) to request a hearing be scheduled for September 14, 2022, at 1:45 PM. Later that day, Mr. Webb sent another email to the ADFG Office amending his request and asking that a hearing be scheduled for September 21, 2022, at 9:45 AM. The student was copied on both of these emails. I have attached a copy of these emails to my affidavit as **Exhibit H**.
10. On July 21, 2022, the ADFG Office issued a Notice of Electronic Hearing to take place via zoom on September 21, 2022, at 9:45 AM. The ADFG Office sent the notice to the student at m[REDACTED].f[REDACTED]@mail.utoronto.ca. I have attached a copy of this email and the attached Notice of Electronic Hearing to this affidavit as **Exhibit I**.
11. Ryan Shah, an articling student at Paliare Roland, has advised me that: on September 9, 2022, he tried to call the student twice at [REDACTED], the student did not pick up, and Mr. Shah left a voicemail that informed him of the date and time of the hearing and urged the student to contact Mr. Webb to discuss this matter.
12. On September 9, 2022, Mr. Shah emailed the student copies of the affidavits of the University’s witnesses. Mr. Shah stated that the University would rely on the affidavits at the hearing and asked the student to let our office know whether he intended to cross-examine any of the affiants. I have attached a copy of this email to my affidavit as **Exhibit J**.

13. To the best of my knowledge, the student has not contacted our office since his phone call with Mr. Webb on June 20, 2022.

***c) Evidence of Mr. Wagg***

11. Mr. Wagg's affidavit provides as follows:

1. I am an Incident Report Architect at Information Security, Information Technology Services 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 contained in this affidavit, I state the source of my knowledge and that I believe it to be true.
2. Information Technology Services provides many services to the University, including management of 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.
3. On August 4, 2022, I checked the portal records to determine the last time someone accessed the email account m[REDACTED].i[REDACTED]@mail.utoronto.ca. In order to view the LastUserActionTime log, I ran a PowerShell script.
4. I determined that the last time someone accessed this e-mail account was on July 25, 2022, at 2:53:18 PM, local Toronto time.

***d) Evidence of Ms. Huang***

12. Ms. Huang's affidavit provides as follows:

1. I am an Administrative Assistant with the Appeals, Discipline and Faculty Grievances Office ("ADFG Office"), Office of the Governing Council, University of Toronto (the "University") and, as such, have knowledge of the matters contained in this affidavit.

2. On February 11, 2022, I served M████ R████ (the “student”) with a letter regarding the charges that were filed against him, together with copies of the charges, the *Code of Behaviour on Academic Matters*, the *Rules of Practice and Procedure* and a pamphlet for Downtown Legal Services. I served the student with these documents by email at m████.r████@mail.utoronto.ca, which is the email address that the student had provided in the Repository of Student Information (“ROSI”). Copies of my email and letter (without enclosures) are attached to my affidavit as **Exhibit A**.
  3. On July 20, 2022, I received an email from William Webb, Assistant Discipline Counsel to the University, requesting to schedule an electronic hearing for the student for September 14, 2022 at 1:45 PM. Subsequently, On July 20, 2020, I received an additional email from Mr. Webb amending his request and asking that a hearing be scheduled for September 21, 2022 at 9:45 AM. The student was copied on both of Mr. Webb’s email.
  4. On July 21, 2022, I served the student with the Notice of Electronic Hearing for a hearing on September 21, 2022 at 9:45 AM, together with copies of my letter regarding the charges that were filed against the student and enclosures (which included the charges) by email. I advised the student that the hearing would be conducted using the Zoom videoconferencing platform and I provided the student with the coordinates to access the videoconference. A copy of Mr. Webb’s emails, my emails, and the Notice of Electronic Hearing are attached to my affidavit as **Exhibit B**.
  5. All of my emails to the student were sent to m████.r████@mail.utoronto.ca. I did not receive a “bounce back” message to any of my emails, indicating that they could not be delivered.
  6. I have not received a response from the student to any of my correspondence. To the best of my knowledge, the student has not contacted my office.
13. The evidence is that the Student was aware of the Charges, but is uncertain as to whether the Student reviewed them, the disclosure or the Notice of Electronic



Hearing. However, the Rules do not require actual notice. The University can serve the Student, but cannot make the Student actually read what is served.

14. The University did everything it could reasonably have done to contact the Student and did take the steps it was required to under the Rules. The Student was made aware of the charges in his telephone conversation with Assistant Discipline Counsel on June 20, 2022. The Panel was satisfied it was more likely than not that the Student had made a deliberate choice some time ago to avoid and turn his back on any official communications from the University. That choice has consequences.
15. Therefore, in light of the evidence and the submissions of Assistant Discipline Counsel, the Panel was satisfied that the Student had been given reasonable notice of the hearing in compliance with the notice requirements of the SPPA and the Rules. The Panel decided to hear the case on its merits in the absence of the Student.

### **Charges and Particulars**

16. The charges alleged against the Student as filed by the Provost on February 10, 2022 are as follows:
  1. On or about April 7, 2020, you knowingly used or possessed an unauthorized aid or obtained unauthorized assistance in connection with the final exam in MAT224H5 (“MAT224”), contrary to section B.I.1(b) of the Code.
  2. In the 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.
  3. On or about April 8, 2020, you knowingly used or possessed an unauthorized aid or obtained unauthorized assistance in connection with the final exam in MAT236H5 (“MAT236”), contrary to section B.I.1(b) of the Code.

4. In the alternative, on or about April 8, 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 MAT236, contrary to section B.I.3(b) of the Code.

17. The particulars related to charges 1, 2, 3 and 4 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 MAT224H5S (Linear Algebra II).
3. As a result of the covid19 pandemic, the final exam in MAT224 was administered online on April 7, 2020 from 9:00 to 11:30 am. Students were required to complete the exam independently.
4. Chegg.com is a subscription based website that allows subscribers to post problems to the site, which are then answered by “experts”. Subscribers are also able to access the questions and answers posted by others on the site.
5. On April 7, 2020, during the final exam in MAT224, you accessed questions and answers from the final exam that had been posted on Chegg.com. The use of Chegg.com was not authorized. In accessing the questions and answers, you sought to obtain and/or did obtain unauthorized assistance in the final exam.
6. 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.

***MAT236***

7. In Winter 2020, you enrolled in MAT236H5S (Vector Calculus).

8. As a result of the covid19 pandemic, the final exam in MAT236 was administered online on April 8, 2020 from 9:00 to 12:00 pm. Students required to complete the exam independently.
9. On April 8, 2020, during the final exam in MAT236, you accessed questions and answers from the final exam that had been posted on Chegg.com. The use of Chegg.com was not authorized. In accessing the questions and answers, you sought to obtain and/or did obtain unauthorized assistance in the final exam.
10. You knowingly submitted the final exam in MAT236 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.

### **The Student's Position**

18. Given that the Student was not present nor represented, he was deemed to have 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**

19. In addition to the previously identified affidavits, the University tendered the evidence of one witness, Professor Jacopo De Simoi ("Professor De Simoi"), an Associate Professor in the Department of Mathematical and Computational Sciences (the "Department") at the University and is the head of the academic integrity initiative in the Department who provided his evidence by affidavit, which was accepted by the Panel pursuant to Rule 61 of the Rules.
20. After careful deliberation, and having considered all the evidence, the Panel found that on the balance of probabilities the evidence was 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**

The contents of Professor De Simoi's affidavit (without Exhibits) is set out below.

**a) Evidence of Professor De Simoi**

21. Professor De Simoi's affidavit provides as follows:

1. I am an Associate Professor in the Department of Mathematical and Computational Sciences (the "Department") at the University of Toronto Mississauga. I am the head of the academic integrity initiative in the Department. 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.

**A. MAT224H5S (Linear Algebra II)**

**1. The course**

2. In Winter 2020, M■■■■ R■■■■ (the "student") enrolled in MAT224H5S (Linear Algebra II) ("MAT224"). I have attached a copy of the MAT224 syllabus to my affidavit as **Exhibit A**.
3. Students were required to write a final exam, which was worth 50% of their grade in MAT224. The exam was administered on April 7, 2020, from 9:00 am to 12:00 pm. Due to the pandemic, the exam was administered online. There were multiple versions of the exam. The different versions of the exam used the same underlying questions, but some questions used different variables.
4. The exam instructions stated that students were required to work on their own. The exam instructions stated that students were not permitted to receive help from any other person or the internet:

**What resources am I NOT allowed to use?**

- You are expected to do the test yourself, and on your own (without help from any other person.)
- The internet.

**Rules during the exam:**

- You may not transmit or receive information from any other individual, whether in person, digitally, or by some other means.

- You may not access the internet, except to download and print your test, to submit it digitally through Crowdmark, and possibly ask questions of the instructors.

[Emphasis in original]

5. I have attached a copy of the exam instructions to my affidavit as **Exhibit B**.
6. I have attached blank copies of the various versions of the MAT224 exam to my affidavit as **Exhibit C**.
7. On April 7, 2020, at 11:45 AM EST the student submitted his MAT224 exam. I have attached two copies of the student's exam to my affidavit as **Exhibit D**. One copy of the student's exam contains feedback, and one copy contains no feedback.

## **2. Chegg and the MAT224 exam**

8. Chegg is a subscription-based website that allows students to post problems to the site, which are then answered by so-called "experts". Subscribers are able to access the questions and answers posted by others on the site. A copy of the [chegg.com/study](https://www.chegg.com/study) webpage is attached to my affidavit as **Exhibit E**. The webpage advertises that a "Chegg Study" subscription costs \$14.95/month and will allow subscribers to take a photo of their questions and get an "expert" to answer them.
9. 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". I have attached a copy of the Chegg "Honor Code Policy" to my affidavit as **Exhibit F**.
10. 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. I was the head of this initiative and was responsible for investigating over 400 cases of suspected academic misconduct in relation to Chegg.
11. The course instructor found that questions from and answers to the MAT224 exam had been posted to Chegg during the exam period. I have attached a copy of the MAT224 exam questions and answers that were posted to Chegg to my affidavit as **Exhibit G**.

12. The course instructor reported the issue to the department. 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. The Chegg Honor Code Team noted that all dates and times provided are in PST. I have attached a copy of the Chegg data for the MAT224 exam to my affidavit as **Exhibit H**.
13. The Chegg data organizes questions by “Question ID” numbers. The Chegg data shows that someone posted questions from and answers to the MAT224 exam during the exam period. In particular:
  - (a) Question ID 46797783: a Chegg user posted screen shots of question 1 from Version B of the MAT224 exam on April 7, 2020 at 6:07 AM PST. The answer was posted on April 7, 2020 at 6:43 AM PST.
  - (b) Question ID 46797859: a Chegg user also posted screen shots of questions 1 from Version D of the MAT224 exam on April 7, 2020 at 6:08 AM PST. The answer was posted on April 7, 2020 at 6:54 AM PST.
14. The Chegg data shows that a subscriber from the University of Toronto with the email address [m\[REDACTED\]@gmail.com](mailto:m[REDACTED]@gmail.com) and the internet protocol (“IP”) address [REDACTED] viewed these Chegg Question IDs during the MAT224 exam. In particular:
  - (a) [m\[REDACTED\]@gmail.com](mailto:m[REDACTED]@gmail.com) viewed Question ID 46797783 several times between 7:08 and 7:09 AM PST, which was after the answer had been posted to Chegg.
  - (b) [m\[REDACTED\]@gmail.com](mailto:m[REDACTED]@gmail.com) viewed Question ID 46797859 several times between 6:12 and 6:13 AM PST, which was before the answer had been posted to Chegg.
15. I have compared the student’s solutions to the Chegg solutions. For questions 1(a) and 1(b), there are relatively few similarities between the steps in their solutions, but both the student and Chegg (Question ID 46797783) arrive at the same correct final answer.

16. For Question 1(c), the student and Chegg (Question ID 46797783) use the same method, but they arrive at different final answers. In particular:
- (a) Method: the student and the Chegg solution both use the same method and describe the method in the same imprecise way. The solutions suggest that dimension is a property of a matrix; dimension is a property of vector space, but it is not a property of a matrix. The calculation that the student provides, “Moreover, dimension for an  $n \times n$  symmetric matrix is  $2(3)/2 = 3$ ”, also lacks sufficient justification and appears to come from nowhere. Professor Pawliuk, the course instructor, has advised me that he reviewed the student’s answer, and that this is not a method he would expect students to know because he did not teach this method in the course.
  - (b) Final Answer: Chegg provides an answer to Question 1 on Version B of the MAT224 exam, which contained the variable “4”. The student provides an answer to Question 1 on Version D of the MAT224 exam, which contained the variable “2”. Both answers are correct for their respective versions of the MAT224 exam.
17. I have attached a copy of a chart comparing the student’s MAT224 exam answers and the Chegg answers to my affidavit as **Exhibit I**.

**B. MAT236H5S (Vector Calculus) (“MAT236”)**

**1. The course**

18. In Winter 2020, the student enrolled in MAT236H5S (Vector Calculus) (“MAT236”). I have attached a copy of the MAT236 syllabus to my affidavit as **Exhibit J**.
19. The syllabus contained a section on academic integrity that stated students were expected to be familiar with the *Code of Behaviour on Academic Matters*. The syllabus stated that no aids were permitted on the MAT236 exam.
20. Students were required to write a final exam, which was worth 52% of their grade in the course. The exam was administered on April 8, 2020, from 9:00 am to 12:00 pm. Due to the pandemic, the exam was administered online. The MAT236 exam contained a statement about academic integrity: “The University of Toronto

Mississauga and you, as a student, share a commitment to academic integrity.” I have attached a blank copy of the MAT236 exam to my affidavit as **Exhibit K**.

21. On April 8, 2020, the student submitted his MAT236 exam. I have attached a copy of the student’s MAT236 exam to my affidavit as **Exhibit L**.

## **2. Chegg and the MAT236 Exam**

22. The course instructor for MAT236 found that questions from and answers to the MAT236 exam had been posted to Chegg.com during the exam period. I have attached a copy of the MAT236 questions and answers that were posted to Chegg to my affidavit as **Exhibit M**.
23. The course instructor reported the issue to the department. 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. The Chegg Honor Code Team noted that all dates and times provided are in PST. I have attached a copy of the Chegg data for the MAT236 exam to my affidavit as **Exhibit N**.
24. The Chegg data shows that someone posted several questions from and answers to the MAT236 exam. In particular:
  - (a) Question ID 46885838: a Chegg user posted screen shots of question 3 on April 8, 2020, at 6:42 AM PST. The answer was posted on April 8, 2020, at 8:41 AM PST.
  - (b) Question ID 46885196: a Chegg user posted screen shots of question 8 on April 8, 2020, at 6:27 AM PST. The answer was posted on April 8, 2020, at 10:43 AM PST.
25. The Chegg data shows that a subscriber from the University of Toronto with the email address [m\[REDACTED\]@gmail.com](mailto:m[REDACTED]@gmail.com) and the IP address [REDACTED] viewed two Chegg Question IDs during the Exam. In particular:



- (a) [m\[REDACTED\]@gmail.com](mailto:m[REDACTED]@gmail.com) viewed Question ID 46885838 several times between 6:57 and 7:47 AM PST, which was before the answer had been posted to Chegg.
- (b) [m\[REDACTED\]@gmail.com](mailto:m[REDACTED]@gmail.com) viewed Question ID 46885196 several times between 9: 6:53 and 8:29 AM PST, which was before the answer had been posted to Chegg.

**C. *The student's internet protocol address***

- 26. 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.
- 27. Quercus generates various logs of activity, including page view reports. Page view reports use alphanumeric codes to refer to certain types of information, such as users, courses, and quizzes. Page view reports show the IP address that is associated with a user's Quercus activity.
- 28. As part of their investigation into the alleged academic misconduct, the University of Toronto Mississauga obtained a copy of the page view report for the student.
- 29. The student's page view report shows that the student's Quercus account was accessed multiple times on the date of the MAT224 exam (April 7, 2020) and on the date of the MAT236 exam (April 8, 2020) from the IP address [REDACTED]. This is the same IP address from which [m\[REDACTED\]@gmail.com](mailto:m[REDACTED]@gmail.com) viewed the Chegg questions and answers to the MAT224 exam and the MAT236 exam. In particular:
  - (a) MAT224: the student's Quercus account was accessed several times from the IP address 135.0.95.57 on April 7, 2020, between 9:01 and 11:53 AM EST. [m\[REDACTED\]@gmail.com](mailto:m[REDACTED]@gmail.com) accessed Chegg several times from the IP address [REDACTED] on April 7, 2020 between 9:12 and 10:09 AM EST (6:12 and 7:09 AM PST).
  - (b) MAT236: the student's Quercus account was accessed several times from the IP address [REDACTED] on April 8, 2020, between 9:47 AM and 11:46

AM EST. m[REDACTED]@gmail.com accessed Chegg several times from the IP address [REDACTED] on April 8, 2020 between 9:53 and 11:46 AM EST (6:53 and 8:29 AM PST).

30. I have attached a copy of the Quercus data to my affidavit as **Exhibit O**.
22. The Panel had no questions for Professor De Simoi and this concluded the University's evidence.

### **University's Submissions**

23. Assistant Discipline Counsel submitted that Professor De Simoi's evidence, supports a finding on the balance of probabilities that the Student committed the academic offences as alleged.

### **Standard of Proof**

24. 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**

25. Based on the evidence and the submissions by counsel for the University, the Student was found guilty of one count of knowingly obtaining unauthorized assistance in connection with the final exam in MAT224H5, contrary to section B.I.1.(b) of the Code and of one count of knowingly obtaining unauthorized assistance in connection with the final exam in MAT236H5, contrary to section B.I.1.(b) of the Code as alleged in Charges 1 and 3 filed by the Provost on February 10, 2022.
26. Given these findings, the University withdrew allegations 2 and 4.

### **Reasons for Decision**

27. The evidence of Professor De Simoi clearly demonstrated that the Student was made aware that when writing the exam for MAT224H5, he was required to work

on his own and was not permitted to receive help from any other person or the internet and that when writing the exam for MAT236H5, he was not permitted to use any aids, to commit to academic integrity and to be familiar with the Code of Behaviour on Academic Matters.

28. Despite this, the evidence was clear that someone using the Student's University of Toronto email address and IP address, accessed answers to questions from these exams posted on Chegg.com, during the time he was writing these exams.
29. As such, the Panel was satisfied on the balance of probabilities that it was the Student who accessed answers to these exams posted on Chegg.com while he was writing these exams and as such, the Student committed the academic offences of knowingly obtaining unauthorized assistance in connection with the final exam in MAT224H5, contrary to section B.I.1.(b) of the Code and that he also knowingly obtained unauthorized assistance in connection with the final exam in MAT236H5, contrary to section B.I.1(b) of the Code as alleged in Charges 1 and 3 filed by the Provost on February 10, 2022.

## **Sanction**

### **The University's Evidence**

30. The University provided the Panel with a Book of Documents (Sanction) containing the Affidavit of Jade Hazell (Sanction).
31. The contents of Ms. Hazell's affidavit (without Exhibits) is set out below:

#### ***a) Evidence of Ms. Hazell***

32. Ms. Hazell's affidavit provides as follows:
  1. I am an Academic Integrity Assistant in the Academic Integrity Unit ("AIU") at the University of Toronto Mississauga. 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 that I believe it to be true.

2. The AIU is responsible for investigating allegations of academic misconduct and arranging meetings between students and the Dean or Dean's Designate in accordance with the process set out in the *Code of Behaviour on Academic Matters* (the "Code").
3. The AIU maintains a database of academic integrity allegations against students. There is a "Discipline Case Report" for each allegation in the database, which records the details relating to the allegation and the outcome.
4. According to the AIU's records, M■■■■ R■■■■ (the "student") has committed two prior offences.

**A. *First Offence: Unauthorized Aids or Assistance in CSC108***

5. In Fall 2017, the student registered in CSC108H5F: Introduction to Computer Programming. On December 4, 2017, the student submitted an assignment that was worth 10% of his final grade in the course.
6. On December 8, 2017, the student admitted that he used an unauthorized aid or obtained unauthorized assistance in connection with his CSC108 assignment. The matter was resolved at the departmental level. The student was sanctioned with a grade of zero on his CSC108 assignment. I have attached a copy of the Discipline Case Report for this offence to my affidavit as **Exhibit A**.
7. On January 11, 2018, Professor Konstantin Khanin, then-Chair of the Department of Mathematical & Computational Sciences, sent a letter to the student describing the sanction imposed by the department. I have attached a copy of this letter as **Exhibit B**.

**B. *Second Offence: Unauthorized Aids or Assistance in MAT202***

8. In Winter 2020, the student registered in MAT202H5S: Introduction to Discrete Mathematics. On April 3, 2020, the student submitted an assignment that was worth 3% of his final grade in the course.
9. On September 17, 2020, the Academic Integrity Unit sent the student a letter that alleged the student obtained unauthorized assistance in connection with his

MAT202 assignment. The letter stated that the student could attend a Dean's Designate meeting to discuss the allegations, or sign and return an admission form. I have attached a copy of this letter to my affidavit as **Exhibit C**.

10. On December 11, 2020, the student signed and returned the admission form to the Academic Integrity Unit. The student admitted that he obtained unauthorized assistance in connection with his MAT202 assignment and accepted the proposed sanction. I have attached a copy of the student's signed admission to my affidavit as **Exhibit D**.
11. The matter was resolved at the divisional level. The student was sanctioned with a grade of zero on his MAT202 assignment, a further reduction of 3 marks from his final grade in MAT202, and an annotation on his academic transcript from September 1, 2020 to September 1, 2021. I have attached a copy of the Discipline Case Report for this offence to my affidavit as **Exhibit E**.
33. The University provided the Panel with a Book of Authorities containing a number of prior decisions of this Tribunal and a chart summarizing them.

### **The University's Submissions**

34. Counsel for the University submitted that the proper sanctions to be imposed on the Student should be:
  - (a) a final grade of zero in MAT224H5 in Winter 2020;
  - (b) a final grade of zero in MAT236H5 in Winter 2020;
  - (c) a suspension from the University of Toronto from the date of this order for a period of 3 years and 11 months;
  - (d) a notation of the sanction on his academic record and transcript for a period of 4 years and 11 months; and

- (e) 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.
35. Assistant Discipline Counsel reviewed with the Panel the chart summarizing the sanctions which have been given to students by this Tribunal in prior similar cases.
36. 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."), namely:
- (a) The character of the Student;
  - (b) The likelihood of a repetition of the offence;
  - (c) The nature of the offence committed;
  - (d) Any extenuating circumstances;
  - (e) The detriment to the University caused by the misconduct; and
  - (f) The need for general deterrence.
37. In this regard, Assistant Discipline Counsel submitted that as the Student did not attend the hearing, there is no evidence as to his character and so that is a neutral factor.
38. Further, the fact that this conduct occurred during the early days of the pandemic which was a difficult time for students could be a mitigating factor.
39. However, the Student's prior academic offences makes the likelihood of repetition very likely and his use of Chegg.com was an aggravating factor.
40. Assistant Discipline Counsel further submitted that the request for a 3 years and 11 months suspension rather than a 4 year one, was designed to permit the

Student to be able to enroll to resume his studies at the University for the fall of 2026.

### **Sanction Decision**

41. After deliberations, the Tribunal ordered that the following sanctions shall be imposed on the Student:
  - (a) a final grade of zero in MAT224H5 in Winter 2020;
  - (b) a final grade of zero in MAT236H5 in Winter 2020;
  - (c) a suspension from the University of Toronto from the date of this order for a period of 3 years and 11 months;
  - (d) a notation of the sanction on his academic record and transcript for a period of 4 years and 11 months; and
  - (e) 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.
  
42. An Order was signed at the hearing by the Panel to this effect.

### **Reasons for Sanction**

43. The Panel considered the submissions of Assistant Discipline Counsel and the factors and principles relevant to sanction in *Mr. C*, supra, as set out above.
  
44. In addition to these factors, the Panel considered the affidavit of Ms. Hazell contained in the University's Book of Documents on Sanction and the other decisions of this Tribunal involving similar misconduct as contained in the University's Book of Authorities 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.

45. By cheating on the final exams in MAT224H5 and MAT236H5, 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.
46. 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.
47. The Panel accepted the University's submission that by using Chegg.com, a subscription-based website, the Student committed a serious form of academic misconduct, while considering the range of sanctions provided by prior decisions of this Tribunal in similar circumstances, and given the Student's prior academic offences, a period of 3 years and 11 months suspension of the Student from the University rather than expulsion was appropriate.

Dated at Toronto, this 4<sup>th</sup> day of November 2022

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

Mr. Christopher Wirth, Chair  
On behalf of the Panel