

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on February 1, 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:

**UNIVERSITY OF TORONTO**

- and -

**B [REDACTED] H [REDACTED]**

**REASONS FOR DECISION**

**Date of Hearing:** July 27, 2022, via Zoom

**Members of the Panel:**

Mr. Nader Hasan, Chair

Professor Ernest Lam, Faculty Panel Member

Mr. David Allens, Student Panel Member

**Appearances:**

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

Mr. Joseph Berger, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP

Mr. Justin Nathens, Representative for the Student, Downtown Legal Services

Mr. B [REDACTED] H [REDACTED]

**Hearing Secretary:**

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

### Introduction

1. A hearing before the University Tribunal (the “Tribunal”) was convened on July 27, 2022 to consider the Charges (as defined below) against B█████ H█████. (the “Student”).

### The Charge

2. The charges against the Student (the “Charges”) are as follows:
- (a) On or about November 21, 2020, you knowingly represented as your own an idea or expression of an idea or work of another in Term Test 2 in CSCA08H3 (the “Course”), contrary to section B.I.1(d) of the Code.
  - (b) In the alternative, on or about November 21, 2020, you knowingly obtained unauthorized assistance in connection with Term Test 2 in the Course, contrary to section B.I.1(b) of the Code.
  - (c) In the further alternative, on or about November 21, 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 Term Test 2 in the Course, contrary to section B.I.3(b) of the Code.

### *Particulars*

3. The particulars of the offences charged are as follows:
- (a) At all material times you were a student enrolled at the University of Toronto Scarborough.
  - (b) In Fall 2020, you enrolled in CSCA08H3 (Introduction to Computer Science).
  - (c) On November 21, 2020, you wrote Term Test 2 in the Course, which was worth 10% of your final grade. The exam was administered online. You were not allowed to communicate or collaborate with others or to search for solutions online.
  - (d) You submitted your answers to Term Test 2:
    - (i) to obtain academic credit;
    - (ii) knowing that they 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 authors of answers that were

posted 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 (the “Chegg Sources”); and

- (iii) knowing that you did not properly reference the ideas, expressions of ideas or work that you drew from the Chegg Sources or from others.
- (e) You knew that you were not allowed to access the Chegg Sources or to communicate with others during Term Test 2. You knowingly obtained unauthorized assistance from the Chegg Sources or from others.
- (f) You knowingly submitted Term Test 2 with the intention that the University of Toronto Scarborough rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.

#### Agreed Statement of Facts

4. The hearing proceeded on the basis of an Agreed Statement of Facts (the “ASF”), which the Student acknowledged he had signed freely and voluntarily, knowing the potential consequences he faces and with the opportunity to seek the advice of counsel. A summary of the agreed facts follows.
5. The Student first registered as a student at the University of Toronto Scarborough in Fall 2020. As of June 14, 2022, the Student had earned 6.0 credits.
6. In Fall 2020, the Student enrolled in CSC AO82H3 (Introduction to Computer Science I) (the “Course”).
7. On November 21, 2020, the Student wrote and submitted his answers to Term Test 2.

8. Chegg.com is a subscription-based website that allows students to post problems to the site (“Askers”), which are then answered by so-called “experts”. Subscribers are also able to access the questions and answers posted by others on the site (“Viewers”).
9. 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”.
10. The instructors discovered during Term Test 2 that someone had posted all four of the questions from Term Test 2 on Chegg.com.
11. The instructors checked the Student’s answers to Term Test 2 and discovered that they were virtually identical to those posted to Chegg.com.
12. 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”.
13. The University requested that Chegg.com conduct an honor code investigation into the Term Test 2 questions that had been posted to its site.
14. The data that the University received from Chegg.com showed that on November 21, 2020 (the day of Term Test 2) four questions (Question IDs 62122722, 62122690, 62122828 and 62122761) were posted by a user with the email: [REDACTED]@163.com from IP address [REDACTED], between 6:30 and 6:34 a.m. PST (or between 9:30 and 9:34 a.m. EST). This user did not provide their name or the name of their school. The data from Chegg.com shows that answers to all four questions were posted to Chegg.com on November 21, 2020 between 6:56 a.m. and 7:17 a.m. PST (or between 9:56 and 10:17 a.m. EST).

15. The University maintains a Student Web Service (“SWS”) Activity Log, which records certain online activity of students while logged into the SWS site. Students use SWS for many University-related activities, including accessing course materials. Students are required to enter their UTORid and password in order to access SWS. The SWS Activity Log shows that on the day of Term Test 2, November 21, 2020, the Student was logged into SWS from IP address [REDACTED]. This is the same IP address logged by Chegg.com and associated with the user email [REDACTED]@163.com, which posted the four questions from Term Test 2 on November 21, 2020.

16. On December 2, 2021, the Student met with the Dean’s Designate for Academic Integrity. The Student admits that the Dean’s Designate read him the required warnings from the Code of Behaviour on Academic Matters. During the meeting, the Student denied submitting questions for Term Test 2 to Chegg.com or obtaining unauthorized assistance during the writing of Term Test 2.

17. Since the filing of charges against him, the Student now admits to the offences charged. In particular, the Student admits that he is guilty of obtaining unauthorized assistance on Term Test 2 because:

(i) he was a Chegg.com subscriber using the email account [REDACTED]@163.com;

(ii) he used [REDACTED]@163.com to access Chegg.com while he was working on Term Test 2;

(iii) he posted four questions from Term Test 2 to Chegg.com and requested answers to those questions for use on Term Test 2;

(iv) he viewed answers that had been posted to Chegg.com for all for questions of Term Test 2;

(v) he used the answers that had been posted to Chegg.com in all of his answers to the four questions in Term Test 2.

(vi) and in so doing, he knowingly accessed Chegg.com to obtain unauthorized assistance while writing Term Test 2.

### Findings on Charges

18. Following deliberations and based on the ASF and the Joint Book of Documents, the Panel concluded that the first charge (as outlined in paragraph 2 above) had been proven with clear and convincing evidence on a balance of probabilities, and accepted the guilty plea of the Student in respect of that charge.

19. Accordingly, the Student was found guilty of one count of knowingly using or possessing an unauthorized aid or obtaining unauthorized assistance, contrary to section B.I.1(b) of the Code;

20. The Panel was advised that if the Tribunal convicts the Student on the section B.I.1(b) charge, the University would withdraw the alternative charges. These alternative charges were withdrawn at the hearing following the finding of guilt.

### Penalty

21. The University and the Student submitted a Joint Submission on Penalty (the "JSP"). The parties submitted that the Tribunal should impose the following sanctions on the Student:

- a) a final grade of zero in the course CSCA08H3 in Fall 2020;
- b) the Student will be suspended from the University of Toronto for a period of 2 years and 4 months, commencing on September 1, 2022 and ending on December 31, 2024; and

- c) this sanction will be recorded on the Student's academic record and transcript from the date of the Tribunal's order until graduation; and

22. The parties also agreed that this case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University newspapers, with the name of the Student withheld.

23. Counsel for the University provided submissions on the high threshold required for a Tribunal to deviate from a joint submission on penalty. As set out in the Discipline Appeals Board decision in *The University of Toronto and M. A.* (Case No. 837, December 22, 2016), a joint submission on penalty "may be rejected by a panel only in circumstances where to give effect to it would be contrary to the public interest or would bring the administration of justice into disrepute" (para 25).

24. In the Panel's view, the joint submission in this case is reasonable. In particular, the Panel took into consideration the seriousness of the offence. As reflected in the ASF, the Student knowingly obtained unauthorized assistance on a test and subsequently denied responsibility in the Dean's Designate meeting.

25. However, there were also mitigating factors to consider. Despite the initial denial, the Student eventually cooperated in the process and entered into the ASF and JSP, thereby showing insight and remorse.

26. Having regard to the above, and based on its review of similar cases presented by counsel, the Panel agreed that the recommended sanctions are appropriate in the circumstances, and made the following order:

1. **THAT** the Student is guilty of one count of knowingly using or possessing an unauthorized aid or obtaining unauthorized assistance, contrary to section B.I.1(b) of the *Code*;

2. **THAT** the following sanctions shall be imposed on the Student:

- a. a final grade of zero in the course CSCA08H3 in Fall 2020;
- b. the Student will be suspended from the University of Toronto for a period of 2 years and 4 months, commencing on September 1, 2022 and ending on December 31, 2024; and
- c. this sanction will be recorded on the Student's academic record and transcript from the date of the Tribunal's order until graduation; and

3. **THAT** this case be reported to the Provost, with the Student's name withheld, for publication of a notice of the decision of the Tribunal and the sanctions imposed.

Dated at Toronto, this 9<sup>th</sup> day of November, 2022,

Original signed by:

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Mr. Nader Hasan, Chair  
On behalf of the Panel