

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on August 31, 2021,

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

AND IN THE MATTER OF the *University of Toronto Act, 1971*, S.O. 1971, c. 56 as amended S.O. 1978, c. 88

B E T W E E N:

UNIVERSITY OF TORONTO

- and -

F [REDACTED] Z [REDACTED]

REASONS FOR DECISION

Hearing Date: September 27, 2022, via Zoom

Members of the Panel:

Mr. Shaun Laubman, Chair

Professor Georges Farhat, Faculty Panel Member

Ms. Samantha Chang, Student Panel Member

Appearances:

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

Hearing Secretary:

Ms. Krista Kennedy, Administrative Clerk & Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances

1. The Trial Division of the University Tribunal heard this matter against F█████ Z█████ (the “Student”) by videoconference.
2. For the reasons provided below, the Tribunal found the Student guilty of academic misconduct and imposed the following penalty:
 - a. a final grade of zero in ECO461H1 in Winter 2021;
 - b. the Student will be suspended from the University of Toronto for a period of 5 years, commencing on September 1, 2021, and ending on August 31, 2026;
 - c. this sanction will be recorded on the Student’s academic record for a period of 5 years from the date of the Tribunal’s order; and
 - d. 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.

Agreed Statement of Facts

3. Helpfully, the parties provided an Agreed Statement of Facts (“ASF”) that was relied upon by the Tribunal. The ASF is reproduced in part below.
4. The Student was charged as follows:
 - a. On or about February 23, 2021, you knowingly had another person personate you at the midterm examination in ECO461H1 (the “Course”), contrary to section B.I.1(c) of the Code.
 - b. In the alternative, on or about February 23, 2021, you knowingly obtained unauthorized assistance in connection with the midterm examination in the Course, contrary to section B.I.1(b) of the Code.
 - c. In the further alternative, on or about February 23, 2021, you knowingly represented as your own an idea or expression of an idea or work of another in the midterm examination in the Course, contrary to section B.I.1(d) of the Code.
 - d. In the further alternative, on or about February 23, 2021, 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 midterm

examination in the Course, contrary to section B.I.3(b) of the Code. (collectively referred to as the “Charges”)

5. The Student acknowledged that she received a copy of the Charges, waived the reading of the Charges, and pleaded guilty to all Charges. The Provost agreed to withdraw charges #2, #3 and #4 if a conviction was entered on charge #1.
6. In Winter 2021, the Student enrolled in the Course.
7. The Course was taught via remote / on-line learning. The syllabus advised students that all assessments were to be completed individually.
8. The midterm examination was worth 40% of students’ final grades in the Course. It was administered online exam on Quercus (the online learning platform that is used at the University of Toronto) on February 23, 2021. A copy of the instructions for the midterm examination repeated the warning to students that they must work individually.
9. Students were required to submit a signature sheet and provide proof of identification in connection with the examination.
10. At the end of the midterm examination, two students appeared to have uploaded each other’s IDs: The Student uploaded the solution with the photo ID and signature of another student (the “Other Student”) and the Other Student uploaded the solution with photo ID and signature of the Student.
11. The Course instructor set the two examinations aside for a further investigation.
12. On March 2, 2021, the instructor met with the Student.
13. The matter was subsequently forwarded to Student Academic Integrity at the Faculty of Arts & Science.

14. On April 8, 2021, the Student met with Professor Jennifer Purtle, the Dean's Designate for Student Academic Integrity for the Faculty of Arts & Science. The Student was read the required warnings from the *Code of Behaviour on Academic Matters*.
15. The Student admitted that she did not think that she would pass the Course. She saw an advertisement on WeChat from someone who said that they would help students take tests. The Student admitted to hiring this person to write the test for her. The Student paid approximately \$200 to \$300 to the personator to write her examination.
16. The Student admitted that she permitted the personator to log in to her Quercus account using her login credentials and to complete the midterm examination in her name. However, the personator mistakenly uploaded the midterm exam for the Other Student.
17. The Student confirms that the statements she made to the Dean's Designate were true and accurate.
18. The Student admitted that:
 - a. She knew that she was not permitted to have anyone assist her during the midterm examination;
 - b. She knowingly paid approximately \$200 to \$300 to someone on WeChat to write the midterm examination for her, which she knew to be unauthorized assistance; and
 - c. She is guilty of having another person personate her during the mid-term examination in the Course.
19. The Student acknowledged that the Provost made no representations to her regarding what penalty would be sought in this proceeding.
20. The Student acknowledged that she signed the ASF freely and voluntarily, knowing of the potential consequences she faces, and did so with the advice of counsel.

21. Based on the admissions in the ASF, in particular, the Student's admission that she knew or ought to have known that she was not permitted to have anyone assist her during the midterm examination, the Tribunal found her guilty of one count of academic offence contrary to section B.I.1(c) of the Code.
22. The Provost withdrew the other Charges.

Penalty

23. The Student and the provost agreed on a Joint Submission on Penalty ("JSP"). They submitted that, in all the circumstances of her case, it was appropriate that the Tribunal impose the following sanctions on the Student:
- a. a final grade of zero in the Course;
 - b. the Student will be suspended from the University of Toronto for a period of 5 years, commencing on September 1, 2021 and ending on August 31, 2026; and
 - c. this sanction will be recorded on the Student's academic record and transcript for a period of 5 years from the date of the Tribunal's order.
 - d. The case be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction imposed in the University of Toronto newspapers, with the name of the Student withheld.
24. The Student has one semester remaining on her studies to complete her degree. She gave evidence regarding mitigating factors. The Provost did not object to the Student's introduction of her medical history despite the absence of any expert evidence so long as the evidence was limited to use in support of the JSP.
25. The Provost presented a number of cases involving impersonation, including *University v. Toronto and P.L* (Case No. 1211, September 23, 2021). The *P.L.* case involved the Other Student, who also paid the same personator to complete their midterm examination. In *P.L.*, the penalty was a zero in the Course and a 5-year suspension and notation on the Other Student's transcript.

26. As noted in the *University v. Toronto and Z.T.* (December 4, 2015) case, personation is a very serious offence and deserving of strong sanctions. The additional element of an economic aspect to the offence, paying the personator, increases the seriousness of the offence. These factors militate in favour of a lengthy suspension.
27. On the other hand, the Student's early admission of guilt and cooperation during the sanction process are considerations that point in favour of a lengthy suspension versus expulsion. The interest in maintaining consistency with the *P.L.* case, which involved nearly identical circumstances, also weighs in favour of accepting the JSP.
28. Finally, applying the direction of the Discipline Appeals Board in *University of Toronto v. M.A.* (December 22, 2016), the JSP cannot be said to be unreasonable or unconscionable. Therefore, this Tribunal should adhere to the agreement reached by the parties and reflected in the JSP.
29. The Provost and the Student both submitted that it was appropriate to have the suspension start retroactively, to September 1, 2021, because there was an early admission of guilt in the case and the Student did not take any further cases in the intervening period.
30. The Tribunal has the jurisdiction to impose retroactive start dates for penalties in appropriate cases. Past cases in which a retroactive start date has been imposed include *University of Toronto v. M.A.* (December 22, 2016), *University of Toronto v. K.T.* (Case No. 906, July 28, 2017), *University of Toronto v. H.F.L.* (March 3, 2016).
31. The Tribunal accepted the JSP and imposed the agreed-upon penalty on the Student.

Dated at Toronto, this 20th day of December, 2022.



Mr. Shaun Laubman, Chair

On behalf of the Panel