

THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO

IN THE MATTER OF charges of academic dishonesty made on October 4, 2022,

AND IN THE MATTER OF the University of Toronto *Code of Behaviour on Academic Matters, 2019*

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 -

Z ■ ■ Y ■ ■ L ■ ■

REASONS FOR DECISION

Date of Hearing: March 6, 2023, via Zoom

Members of the Panel:

Sarah Whitmore, Chair
Professor Paul Kingston, Faculty Panel Member
Nik Khakhar, Student Panel Member

Appearances:

Tina Lie, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP
Jonah Dutz, Representative for the Student, Downtown Legal Services

Hearing Secretary:

Carmelle Salomon-Labbé, Associate Director, Office of Appeals, Discipline and Faculty Grievances

In Attendance:

Z ■ ■ Y ■ ■ L ■ ■

Introduction

1. A hearing before the University Tribunal (the “Tribunal”) was convened on March 6, 2023, to consider the Charges (as defined below) against the Student, Z ■ ■ Y ■ L ■ (the “Student”).

The Charges

2. The charges against the Student (the “Charges”) are as follows:
 1. On or about the following dates, you knowingly obtained and/or provided unauthorized assistance in connection with the following term tests in ECO2201Y1 (the “Course”), contrary to section B.I.1(b) of the Code:
 - (a) December 4, 2020 in connection with Term Test 2;
 - (b) February 26, 2021 in connection with Term Test 3; and
 - (c) April 12, 2021 in connection with Term Test 4.
 2. In the alternative to Charges #1(a) to (c), respectively, on or about the following dates, you knowingly represented as your own an idea or expression of an idea or work of another in connection with the following term tests in the Course, contrary to section B.I.1(d) of the Code:
 - (a) December 4, 2020 in connection with Term Test 2;
 - (b) February 26, 2021 in connection with Term Test 3; and
 - (c) April 12, 2021 in connection with Term Test 4.
 3. In the further alternative to Charges #1(a) to (c) and #2(a) to (c), respectively, on or about the following dates, 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 following term tests in the Course, contrary to section B.I.3(b) of the Code:
 - (a) December 4, 2020 in connection with Term Test 2;
 - (b) February 26, 2021 in connection with Term Test 3; and

(c) April 12, 2021 in connection with Term Test 4.

Particulars

3. The particulars of the offences charged are as follows:
 1. At all material times you were a student enrolled at the University of Toronto Faculty of Arts & Science.
 2. In Fall 2020 and Winter 2021, you enrolled in ECO220Y1Y: Introduction to Data Analysis and Applied Econometrics, which was taught by Professor Jennifer Murdock. Due to the pandemic, the Course was taught online.
 3. Students in the Course were required to write four term tests, each worth 12.5% of the Course mark. The term tests were administered online. Students had two hours to complete each term test.
 4. Students were required to complete their term tests independently and without the use of aids. They were not permitted to collaborate with one another or with others in completing the term tests.
 5. You submitted the following term tests on the following dates:
 - (a) Term test 2 on December 4, 2020;
 - (b) Term test 3 on February 26, 2021; and
 - (c) Term test 4 on April 12, 2021 (collectively, the "Term Tests").
 6. The answers that you gave in your Term Tests were substantially similar to the answers given by a number of other students in the Course.
 7. You knowingly obtained and/or provided unauthorized assistance in each of the Term Tests by collaborating with other students and/or test service providers and/or you used unauthorized aids to assist you to write the Term Tests. You knew that you were not permitted to collaborate or use unauthorized aids.
 8. You submitted each of the Term Tests:
 - (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 those ideas, expressions of ideas or work.
9. You knowingly submitted each of the Term Tests with the intention that the University of Toronto rely on it as containing your own ideas or work in considering the appropriate academic credit to be assigned to your work.

Agreed Statement of Facts

4. The hearing preceded on the basis of an Agreed Statement of Facts (the “ASF”), which was marked as Exhibit 1. The parties also presented a Joint Book of Documents (the “JBD”) that is referred to in the ASF, which was marked as Exhibit 2. A summary of the agreed facts follows.

7. In Fall 2020 and Winter 2021, Jennifer Murdock taught ECO2201Y1: Introduction to Data Analysis and Applied Econometrics (the “course”). The course was administered online due to the pandemic. There were five sections in the course. Students registered for one of these five sections. Classes for these sections were held at different times of the day on Fridays. A copy of the syllabus is attached to the ASF at Tab D.

8. Several students, including the student, B.L., D.Z., T.L., J.Q., and S.S., and S.L. enrolled in the course.

9. Students in the course were required to write four term tests, each worth 12.5% of their final grade. Each test contained six open-ended questions, with a complete answer requiring some combination of writing, graphing, and/or quantitative analysis. Professor Murdock created several different versions of each term test to deter cheating. Students were assigned a particular version of a term test at random.

10. The syllabus stated that students were prohibited from collaborating on the term tests: “[t]here is absolutely no collaboration allowed on Term Tests #1 to #4 or the short writing assignments. Your submissions must be entirely your own work.”

11. Professor Murdock posted academic integrity instructions to Quercus for each term test, which stated academic integrity is a fundamental value of learning and scholarship at the University of Toronto and that students were prohibited from collaborating. Students were required to submit a signed academic integrity statement that stated they agreed to fully abide by the *Code of Behaviour on Academic Matters* for each term test. Each term test also stated that “[t]here is absolutely no collaboration and absolutely no communication until after we return your marked work to you.”

Term test 2

12. Term test 2 was administered online on December 4, 2020. Copies of the different versions of and solutions to the term test are attached to the ASF at Tab E.

13. Students had 105 minutes to write the test and 15 minutes to scan and upload their test. Students from the first three sections of the course could choose to write their term tests at any time during the early test window (8:00 a.m. to 12:00 p.m. ET). Students in the other two sections of the course could choose to write their term tests at any time during the late test window (12:00 p.m. to 5:00 p.m. ET). Copies of the test instructions that Professor Murdock posted to Quercus are attached to the ASF at Tab F.

14. On December 4, 2020, several students, including the student and B.L. submitted term test 2. Copies of their term tests are attached to the ASF at Tab G.

Term test 3

15. Term test 3 was administered online on February 26, 2021. Copies of the different versions of and solutions to the term test are attached to the ASF at Tab H.

16. Students had 105 minutes to write the test and 15 minutes to scan and upload their test. Students could choose to write during the early test window (9:00 a.m. to 12:00 p.m. ET) or the late test window (11:00 a.m. to 5:00 p.m. ET). Copies of the test instructions that Professor Murdock posted to Quercus are attached to the ASF at Tab I.

17. On February 26, 2021, several students, including the student, D.Z., T.L., J.Q., and S.S. submitted term test 3. Copies of their term tests are attached to the ASF at Tab J.

The initial investigation

18. On March 2, 2021, a teaching assistant for the course notified Professor Murdock that the same nonsensical phrase kept appearing in students' answers in term test 3. Professor Murdock reviewed the unusual similarities, had serious concerns that students were collaborating, and decided to investigate the issue.

19. From March to May 2021, the teaching team spent over 100 hours investigating the issue and found evidence of widespread collaboration. They discovered that a large number of students in the course gave highly similar answers on some or all of term tests 1, 2, and 3. Based on similarities between students' answers, some students appeared to collaborate in small groups, while others appeared to be part of a larger network or group of students.

20. Professor Murdock suspected that:

- a) the student obtained and/or provided unauthorized assistance on term test 2 because several of his answers were highly similar to B.L.'s answers; and
- b) the student obtained and/or provided unauthorized assistance on term test 3 because several of his answers were highly similar to answers submitted by D.Z., T.L., J.Q., and S.S.

21. A chart that compares the student's answers to B.L.'s answers for Term Test 2 is attached to the ASF at Tab K.

22. A chart that compares the student's answers to S.S.'s answers for Term Test 3 is attached to the ASF at Tab L.

Term test 4

23. Term test 4 was administered online on April 12, 2021. Copies of the different versions of the term test are attached to the ASF at Tab M.

24. Students had 105 minutes to write the test and 15 minutes to scan and upload their test. All students had to write term test 4 during one window (9:55 a.m. to 12:10 p.m. ET). Copies of the test instructions that Professor Murdock posted to Quercus are attached to the ASF at Tab N.

25. On April 12, 2021, several students, including the student and S.L. submitted term test 4. Copies of their term tests are attached to the ASF at Tab O.

26. Professor Murdock suspected the student obtained and/or provided unauthorized assistance on term test 4 because several of his answers were highly similar to answers given by

S.L. A chart that compares the student's answers to S.L.'s answers for Term Test 4 is attached to the ASF at Tab P.

Instructor Meeting

27. On May 11, 2021, Professor Murdock met with the student to discuss her concerns that the student plagiarized and obtained and/or provided unauthorized assistance in term tests 2, 3, and 4.

Dean's Designate Meeting

28. On February 4, 2022, the student sent the Student Academic Integrity office a letter in which he apologized for committing an academic offence in term test 3. A copy of this letter is attached to the ASF at Tab Q.

29. On February 14, 2022, the student attended a meeting with Professor and Dean's Designate Elizabeth Cowper. The student acknowledges that Professor Cowper gave the warning that is required by the Code. In the meeting, the student admitted to obtaining unauthorized assistance via WeChat in term tests 2, 3, and 4.

Admissions and acknowledgements

30. The student admits that:

- a) He obtained unauthorized assistance on term tests 2, 3, and 4; and
- b) He plagiarized in almost every question that he submitted for academic credit on term tests 2, 3, and 4.

31. The student admits that he knew or ought to have known that:

- a) He obtained unauthorized assistance on term tests 2, 3, and 4, contrary to section B.I.1(b) of the *Code*;
- b) He represented the ideas of another author, the expression of the ideas of the author, and the work of the author as his own on term tests 2, 3, and 4, contrary to section B.I.1(d) of the *Code*; and
- c) He 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 on term tests 2, 3, and 4, contrary to section B.I.3(b) of the *Code*.

Findings on Charges

5. Following deliberations and based on the ASF and the JBD, the Panel concluded that the charges #1(a), #1(b), and #1(c) (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 those charges. The Panel was advised that if the Tribunal convicts the Student on charges #1(a), #1(b), and #1(c), the Provost will withdraw charges #2(a), #2(b), #2(c), #3(a), #3(b), and #3(c).

Penalty

6. The University and the Student submitted an Agreed Statement of Facts and Joint Submission on Penalty (the "JSP"), which was marked as Exhibit 3. In the JSP, the parties submitted that the Tribunal should impose the following sanctions on the Student:
 - a) a final grade of zero in ECO220Y1 in Fall 2020 and Winter 2021;
 - b) a four-year and four-month suspension from the University of Toronto, commencing on May 1, 2023; and
 - c) a notation of the sanction on the Student's academic record and transcript for a period of six years or until graduation, whichever comes first, beginning on March 7, 2023, the date of the Tribunal's Order.
7. The parties also submitted 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.
8. 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).

9. In the Panel’s view, the joint submission in this case is reasonable. In particular, the Panel took into consideration the seriousness of the offences and the fact that the offences were not the Student’s first offences. The Panel also noted the likelihood that the Student may commit another offence and the circumstances of the pandemic and the need for deterrence on the facts in this matter.
10. As reflected in the JSP, the Student had previously been sanctioned for two prior offences: in one case plagiarism in Fall 2018 and in the other obtaining unauthorized assistance in Winter 2019. The timing of these prior offences is relevant and concerning as the Student had been sanctioned for the first offence prior to committing the second offence and had similarly been sanctioned for the second offence prior to committing the offences at issue in this matter. This suggests that the Student’s likelihood of committing a further offence is serious and must be factored into the penalty.
11. Further, the circumstances of the pandemic and the heightened level of trust that the University was required to impart on students not to collaborate is relevant. The Student’s behaviour demonstrates a breach of that trust causing detriment to the University. In addition, the ASF demonstrates a widespread pattern of misconduct among many students in the course at issue, ECO220Y1, highlighting the need for deterrence.
12. However, the Panel also considered a number of mitigating factors. The Student cooperated in the process and entered into the ASF and JSP, thereby showing insight and remorse. Moreover, the Student voluntarily gave an undertaking to attend academic workshops demonstrating his desire to rehabilitate his academic career at the University. The Panel also noted that through the undertaking, the Student appears to be desirous of developing the tools necessary to complete his degree at the University with integrity and success.
13. 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:

- a) The Student is guilty of three counts of the academic offence of knowingly obtaining and/or providing unauthorized assistance, contrary to section B.I.1(b) of the *Code of Behaviour on Academic Matters*.

- b) The following sanctions shall be imposed on the Student:
 - i. a final grade of zero in ECO220Y1 in Fall 2020 and Winter 2021;

 - ii. a four-year and four-month suspension from the University of Toronto, commencing on May 1, 2023; and

 - iii. a notation of the sanction on the Student's academic record and transcript for a period of six years or until graduation, whichever comes first, beginning on March 7, 2023, the date of the Tribunal's Order.

- c) This case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanction or sanctions imposed, with the name of the Student withheld.

Dated at Toronto, this 6 of June, 2023,

Original signed by:

Sarah Whitmore, Chair
On behalf of the Panel