

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on October 18, 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 -

H [REDACTED] C [REDACTED]

REASONS FOR DECISION

Hearing Date: April 13, 2023, via Zoom

Panel Members:

Michelle S. Henry, Chair

Professor Vivienne Luk, Faculty Panel Member

Sterling Mancuso, Student Panel Member

Appearances:

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

Janet Song, Co-Counsel, Paliare Roland Rosenberg Rothstein LLP

Anja Kohlman Sawa, Representative for the Student, Downtown Legal Services

Hearing Secretary:

Samanthe Huang, Coordinator & Hearing Secretary, Office of Appeals, Discipline and Faculty Grievances

In Attendance:

H [REDACTED] C [REDACTED]

BACKGROUND

1. A Hearing of the Trial Division of the University Tribunal convened on April 13, 2023, to consider charges of academic dishonesty brought by the University of Toronto (the “University”) against H■■■■ C■■■ (the “Student”), under the *Code of Behaviour on Academic Matters, 1995* (the “Code”). The Student was informed of the charges by letter dated October 18, 2022, from Professor Heather Boon, Vice-Provost, Faculty & Academic Life.

THE CHARGES

2. At all material times, the Student was enrolled at the University of Toronto Faculty of Arts and Science. The Student has accumulated 6.5 credits and a cumulative GPA of 1.43. The Student served a one-year academic suspension, which began in May 2022, due to their low GPA.
3. The University alleges that the Student engaged in the following offences:
 - 1) On or about February 13, 2021, the Student knowingly obtained unauthorized assistance in connection with Term Test 1 in MAT224H1S (“MAT224”), contrary to section B.I.1(b) of the Code.
 - 2) In the alternative, on or about February 13, 2021, the Student knowingly represented as his own an idea or expression of an idea or work of another in Term Test 1 in MAT224, contrary to section B.I.1(d) of the Code.
 - 3) In the further alternative, on or about February 13, 2021, the Student 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 1 in MAT224, contrary to section B.I.3(b) of the Code.
 - 4) On or about March 27, 2021, the Student knowingly obtained unauthorized assistance in connection with Term Test 2 in MAT224, contrary to section B.I.1(b) of the Code.

- 5) In the alternative, on or about March 27, 2021, the Student knowingly represented as his own an idea or expression of an idea or work of another in Term Test 2 in MAT224, contrary to section B.I.1(d) of the Code.
- 6) In the further alternative, on or about March 27, 2021, the Student 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 MAT224, contrary to section B.I.3(b) of the Code.
- 7) On or about April 22, 2021, the Student knowingly obtained unauthorized assistance in connection with the final assessment in MAT224, contrary to section B.I.1(b) of the Code.
- 8) In the alternative, on or about April 22, 2021, the Student knowingly represented as his own an idea or expression of an idea or work of another in the final assessment in MAT224, contrary to section B.I.1(d) of the Code.
- 9) In the further alternative, on or about April 22, 2021, the Student 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 assessment in MAT224, contrary to section B.I.3(b) of the Code.
- 10) On or about December 15, 2021, the Student knowingly obtained unauthorized assistance in connection with the final exam in PHL245H1F (“PHL245”), contrary to section B.I.1(b) of the Code.
- 11) In the alternative, on or about December 15, 2021, the Student 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 PHL245, contrary to section B.I.3(b) of the Code.

AGREED STATEMENT OF FACTS

4. The Hearing proceeded based on an Agreed Statement of Facts (“ASF”). The Panel also received a Joint Book of Documents (“JBD”) that is referred to in the ASF. The following is an abridged version of the ASF.

A. **MAT224**

5. In Winter 2021, the Student enrolled in MAT224, which was taught by several instructors. Students in MAT224 were evaluated on the basis of, among other things, two term tests worth a combined 40% (with the highest score worth 25% and the lowest score worth 15%) and a final assessment worth 25% of their final grades.
6. Term Test 1 (“TT1”) was released on February 12, 2021, and students had until February 13, 2021, to submit their answers. TT1 was administered remotely. TT1 required students to sign an academic integrity statement, which stated:

I confirm that:

- I have not communicated with any person about the test other than a MAT224 teaching team member.
- I have not used any resources other than those that are listed as permitted in the Term Test 1 Information document at any point during the test.
- I have not participated in or enabled any MAT224 group chat during the test.
- I have not viewed the answers, solutions, term work, or notes of anyone.
- I have read and followed all of the rules described in the Term Test 1 Information document.
- I understand the consequences of violating the University’s academic integrity policies as outlined in the Code of Behaviour on Academic Matters. I have not violated any of them while writing this assessment.

By signing this document, I agree that all of the statements above are true.

7. On February 13, 2021, the Student submitted his answers to TT1, and signed the academic integrity statement.
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”). The webpage advertises that a “Chegg Study” subscription costs \$18.95/month and will allow

subscribers to “[t]ake a photo of your question and get an answer in as little as 30 mins” from an “expert”.

9. When the instructors reviewed TT1, they found that virtually the entire test had answers that were similar to solutions that had been posted on Chegg.com. In particular, the instructors found that there were substantial similarities between the Student’s answers to Questions 1, 2, 3, 4, 5(a), 5(b), 6(a), 6(b) and 6(c) and answers that had been posted on Chegg.com.
10. Term Test 2 (“TT2”) was released on March 26, 2021, and students had until March 27, 2021, to submit their answers. TT2 was administered remotely. Students were allowed to consult their lecture notes, textbook and course materials, but were required to complete the assessment independently. Students were not permitted to collaborate with one another or to consult online discussion groups or forums. The instructions for TT2 included examples of resources that are not permitted, including posting on “tutoring websites” such as Chegg.com.
11. On March 27, 2021, the Student submitted his answers to TT2, and signed the academic integrity statement. When the instructors reviewed TT2, they found that the test had answers that were similar to solutions that had been posted on Chegg.com. In particular, the instructors found that there were substantial similarities between the Student’s answers to Questions 3 and 7(b) and answers that had been posted on Chegg.com.
12. The Final Assessment was released on April 21, 2021, and students had until April 22, 2021, to submit their answers. The Final Assessment was administered remotely.
13. Students were allowed to consult their lecture notes, textbook and course materials, but were required to complete the assessment independently. The instructions for the Final Assessment included examples of resources that are not permitted, including posting on “tutoring websites” such as Chegg.com.
14. The Final Assessment required students to sign an academic integrity statement. On April 22, 2021, the Student submitted his answers to the Final Assessment, and signed the academic integrity statement.

15. When the instructor reviewed the Final Assessment, they found that the test had answers that were nearly identical to solutions that had been posted on Chegg.com. In particular, the instructors found that there were substantial similarities between the Student's answers to Questions 3, 4, 5, 6(a), 7 and 8 and answers that had been posted on Chegg.com.
16. In all three assessments (TT1, TT2, and the Final Assessment), there were a number of ways the students could answer the questions. The fact that the Student's answers and the Chegg.com answers contained the same steps (and omitted the same steps), the instructors considered it unlikely that the similarities between the Student's answers and the Chegg.com answers arose by coincidence.

B. PHL245

17. In Fall 2021, the Student enrolled in PHL245H1F (Modern Symbolic Logic) ("PHL245"), which was taught by Professor Alex Koo.
18. Students in PHL245 were evaluated on the basis of, among other things, a final exam worth 25% of their final grades. On December 15, 2021, the Student wrote the final exam in the Course. Students were required to complete the final exam independently. The final exam was administered remotely. Students were allowed to consult their notes and use Logic2010. Students were not permitted to consult any other resources.
19. Each question on the final exam had two versions which used different variants. Students were not told that there were different versions for each question. In grading the Student's final exam, the instructor determined that the Student's answer to Question 11 of the final exam contained the variant used in the alternate version of the question (which the Student did not receive).

C. Meeting with the Dean's Designate

20. On August 17, 2022, the Student met with Professor Sue Varmuza, Dean's Designate for Academic Integrity. During the meeting, the Student admitted to using Chegg.com in TT1, TT2 and the Final Assessment in MAT224, and that he discussed the questions with other students in the final exam in PHL245.

21. The matter was forwarded to the Vice-Provost's office.

D. Admissions and acknowledgements

22. The Student admitted that:

- a. he knowingly accessed Chegg.com during MAT224, and in doing so:
 - i. he paid for a Chegg.com subscription;
 - ii. he viewed answers that had been posted to Chegg.com;
 - iii. he used the answers that had been posted to Chegg.com in his answers to various questions in TT1, TT2 and the Final Assessment;
- b. he knowingly obtained unauthorized assistance in TT1, TT2 and the Final Assessment in MAT224;
- c. he knowingly represented as his own an idea or expression of an idea or work of another (the authors of the Chegg.com answer) in TT1, TT2 and the Final Assessment in MAT224; and
- d. he committed plagiarism in TT1, TT2 and the Final Assessment in MAT224.

23. The Student further admitted that:

- a. he knowingly obtained unauthorized assistance in connection with the final exam in PHL245 by discussing the questions with other students who had received an alternate version of Question 11 of the final exam; and
- b. he knowingly used an unauthorized aid during the final exam in PHL245.

FINDINGS ON CHARGES

24. Following deliberations and based on the ASF and the JBD, the Panel concluded that charges #1, #4, #7 and #10 were proven on a balance of probabilities. The Panel accepted the guilty pleas of the Student in respect of these charges.
25. The Panel was advised that if it returns a conviction on the above charges, the University will withdraw the alternative charges. Accordingly, the Panel makes no findings with respect to the alternative charges #2, #3, #5, #6, #8, #9 and #11.

PENALTY

26. The University and the Student submitted a Joint Submission on Penalty (“JSP”) recommending the following penalty:
- a. a final grade of zero in the course MAT224H1 in Winter 2021;
 - b. a final grade of zero in the course PHL245H1 in Fall 2021;
 - c. the Student will be suspended from the University of Toronto for a period of 5 years, commencing on September 1, 2022, and ending on August 31, 2027; and
 - d. this sanction will be recorded on the Student’s academic record and transcript from the date of the Tribunal’s order until graduation.
27. The parties agree that it is appropriate for this case to 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.
28. Assistant Discipline Counsel provided submissions on the high threshold required for a Tribunal to deviate from a JSP. As set out in the Discipline Appeals Board decision in *The University of Toronto and S.F.* (Case No. 690, October 20, 2014), only truly unreasonable or “unconscionable” joint submissions should be rejected (para. 22).
29. The Panel also heard submissions regarding the appropriateness of the penalty, reviewed relevant past decisions of the Tribunal submitted by the University, and considered the

factors set out in *University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5, 1976), namely: 1) the character of person charged; 2) the likelihood of repetition of the offence; 3) the nature of offence committed; 4) any extenuating circumstances surrounding the commission of the offence; 5) detriment to the University occasioned by the offence; and 6) the need to deter others from committing a similar offence.

30. With respect to his character, the University noted that the Student admitted guilt very early on in the process at the Dean's Designate meeting. He had insight into his actions and expressed remorse. He participated and cooperated fully in the process, including participating in the ASF and ASF on Penalty. As a result, there was a lot of evidence that the Provost was not required to call. The Student also gave an undertaking to complete six mutually agreeable academic success workshops offered by the University, comprising of at least six hours of instruction, or a similar program selected by the University of Toronto Faculty of Arts and Science. The Student also agreed that he will not be permitted to graduate from the University of Toronto until he has completed this requirement.
31. The Panel also took into consideration the likelihood of repetition of the offence, the serious and deliberate nature of the offence, and the detriment to the University. This was not the Student's first offence. The Student had committed four prior academic offences, which now brought him to eight academic offences. However, Assistant Discipline Counsel noted that all the incidents occurred around the same time from December 2020 to early 2021; and only one occurred after the first offence in MAT224.
32. The University stressed the seriousness of obtaining unauthorized assistance, particularly at the height of the pandemic when the University was dealing with remote assessments, and the fact that online learning provided more opportunity to cheat. The University also stressed the need to send a strong message of deterrence in order to communicate the seriousness of these offences.
33. Having regard to the above, and based on the review of similar cases provided by Assistant Discipline Counsel, in the Panel's view, the joint submission in this case is reasonable. The Panel agrees that the recommended sanctions are appropriate.

DECISION OF THE PANEL

34. At the conclusion of the hearing, the Panel made the following order:

- a. **THAT** the Student is guilty of four counts of knowingly obtaining unauthorized assistance in any academic examination or term test or in connection with any other form of academic work, contrary to section B.I.1(b) of the Code;
- b. **THAT** the following sanctions shall be imposed on the Student:
 - i. a final grade of zero in the course MAT224H1 in Winter 2021;
 - ii. a final grade of zero in the course PHL245H1 in Fall 2021;
 - iii. the Student will be suspended from the University of Toronto for a period of 5 years, commencing on September 1, 2022, and ending on August 31, 2027; and
 - iv. this sanction will be recorded on the Student's academic record and transcript from the date of the Tribunal's order until graduation; and
- c. **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.

35. An Order was signed after the hearing on April 13, 2023, by the Panel to this effect.

DATED at Toronto, 12 July 2023.

Original signed by:

Michelle S. Henry, Chair

On behalf of the Panel