

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic dishonesty made on September 29, 2022, and October 4, 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 -

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REASONS FOR DECISION

Hearing Date: April 14, 2023, via Zoom

Members of the Panel:

Joelle Ruskin, Chair

Professor Richard B. Day, Faculty Panel Member

Dylan Dingwell, Student Panel Member

Appearances:

William Webb, Assistant Discipline Counsel, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

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

Not in Attendance:

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I. Introduction

1. The Trial Division of the University of Toronto (the “Panel”) was convened on April 14, 2023, to consider charges brought by the University against S■■■■ S■■■■ (the “Student”) under the University of Toronto’s *Code of Behaviour on Academic Matters, 1995* (the “Code”).

II. The Charges

2. At all material times, the Student was enrolled at the University of Toronto Faculty of Arts and Science.
3. The University alleges that the Student engaged in academic offences referable to two courses; namely, MAT334HSF (“MAT334”) and ECO2201Y1 (“ECO220”) as further particularized in Charges dated September 29, 2022 (the “MAT Charges”) and Charges dated October 4, 2022 (the “ECO Charges”) (collectively, the “MAT/ECO Charges”).

(a) *The MAT Charges*

4. The Student was charged on September 29, 2022 of the following:
 1. On or about October 28, 2021, you knowingly represented as your own an idea of expression of an idea or work of another in term test 1 in MAT334, contrary to section B.I.1(d) of the *Code*.
 2. In the alternative, on or about October 28, 2021, you knowingly used or possessed an unauthorized assistance in connection with term test 1 in MAT334, contrary to section B.I.1(b) of the *Code*.
 3. In the alternative, on or about October 28, 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 advantage of any kind in connection with term test 1 in MAT334, contrary to section B.I.3(b) of the *Code*.
5. The MAT Charges contain a statement of Particulars, including the following:
 1. In Fall 2021, you enrolled in MAT334: Complex Variables.

2. Students in MAT334 were required to write two term tests. Term test 1 (worth 25%) was administered on October 28, 2021 (the “MAT334 Test”). Students were prohibited from using any aids or obtaining any form of help on the MAT334 Test.
3. On or about October 28, 2021, you submitted your MAT334 Test.
4. The answers that you gave in your MAT334 Test were substantially similar to the answers given by a number of other students in MAT334, including an advanced theorem that was not taught in the lectures.
5. You knowingly obtained and/or provided unauthorized assistance in your MAT334 Test by collaborating with other students or others.
6. You knowingly used an unauthorized aid or aids while writing the MAT334 Test.
7. You submitted your MAT334 Test:
 - (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 other students or others; and
 - (c) knowing that you did not properly reference the ideas, expressions of ideas or work that you drew from other students or others.
8. You knowingly submitted your MAT334 Test 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.

(b) *The ECO Charges*

6. The Student was charged on October 4, 2022 of the following:
 1. On or about the following dates, you knowingly obtained and/or provided unauthorized assistance in connection with the following term tests in ECO220 (the “ECO Course”), contrary to section B.I.1(b) of the Code:
 - (a) December 4, 2020 in connection with Term Test 2; and

(b) February 26, 2021 in connection with Term Test 3.

(Collectively, “Charges #1(a) to (b)”)

2. In the alternative to Charges #1(a) to (b), 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 ECO Course, contrary to section B.I.1(d) of the Code:

(a) December 4, 2020 in connection with Term Test 2; and

(b) February 26, 2021 in connection with Term Test 3.

(Collectively, “Charges #2(a) to (b)”)

3. In the further alternative to Charges #1(a) to (b) and Charges#2(a) to (b), 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 ECO Course, contrary to section B.I.3(b) of the Code:

(a) December 4, 2020 in connection with Term Test 2; and

(b) February 26, 2021 in connection with Term Test 3.

8. The ECO Charges contain a statement of Particulars, including the following:

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; and
 - (b) Term test 3 on February 26, 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.
9. At the commencement of the proceedings, Mr. Webb advised the Panel that the University would withdraw charges against the Student under sections B.I.1(d) or B.1.3(b) of the Code on the basis of the Student being found guilty of knowingly obtaining and/or providing unauthorized assistance in connection with the Term Tests in ECO220 and the MAT334 Test contrary to section B.I.1(b) of the Code.

III. Preliminary Issue: Proceeding in the Absence of the Student

10. The hearing was scheduled to begin at 9:45 a.m. on April 14, 2023, via Zoom. Neither the Student nor a representative on the Student's behalf were logged onto the Zoom link at that time.
11. The Panel held the matter down until 9:55 a.m. at which time Assistant Discipline Counsel proceeded to make submissions on the issue of notice.¹
12. Rules 13, 14, 17 and 21 of the University Tribunal's *Rules of Practice and Procedure* (the "Rules"), sections 6 and 7 of the *Statutory Powers Procedure Act* (the "SPPA") and the University's *Policy on Official Correspondence with Students* dated September 1, 2006 provide the framework for a determination as to whether notice has been adequately provided to a student such that the Panel can proceed with the hearing despite his or her absence.
13. Rule 13 provides that "Charges, notices of hearing, disclosure material for use on motions or hearings, orders, and reasons for decision may be served on a student or sent to a student" by, among other things, "sending a copy of the document by courier to the student's mailing address contained in the Repository of Student Information ("ROSI") . . . and service shall be effective on the day the document is delivered by the courier" or "by e-mailing a copy of the document to the student's e-mail address contained in ROSI . . . and service shall be effective on the day the document is sent by e-mail."
14. Rule 17 provides that "the Secretary shall provide the University with reasonable notice of a hearing and shall deliver such notice to the student's last known ROSI email address." In this case, the Notice of Electronic Hearing was sent by email to the Student's utoronto email address on February 23, 2023. A revised Notice of Electronic Hearing dated April 12, 2023, was subsequently delivered by email to the Student's utoronto

¹ At in or around the 40-minute mark of the hearing while Mr. Webb was addressing the MAT Charges, a private computer identified as "Lorvale Academy" attempted to join the Zoom waiting room (there was an icon of the crest of the Lorvale Academy, a Private High School in Markham, Ontario). There was no evidence in the book of documents that the Student had any connection to this private high school and, in fact, evidence was tendered by the University through Professor Cowper that the Student had attended secondary school in British Columbia (Westminster Secondary School in British Columbia) and appeared to have no connection to the Markham Secondary School. The Panel paused the hearing to admit the individual, but no one joined. The Zoom waiting room was monitored throughout the hearing.

email address. The only change between the February 23, 2023 Notice of Electronic Hearing and the April 12, 2023 Notice of Electronic Hearing was the name of the student panel member, which was indicated in bold underlined font. All other information remained unchanged.

15. Rule 21 of the Rules provides: “Where notice of a virtual hearing, an in-person hearing, a hybrid hearing, or a written hearing has been given to a party in accordance with this Part, and the party does not attend at or does not participate in the hearing, the panel may proceed in the absence of the party or without the party’s participation and the party is not entitled to any further notice in the proceeding.”
16. 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.
17. 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.
18. The University relies on the Affidavit of Ms. Alexciya Blair (“Ms. Blair”), a legal assistant at the law firm of Paliare Roland, and the Affidavit of Mr. Andrew Wagg (“Mr. Wagg”), the Manager, Incident Response at Information Security, Information Technology at the University of Toronto, in meeting its onus of proof that the Student was provided with reasonable notice of the hearing.
19. Ms. Blair’s Affidavit itemizes the efforts made by Paliare Roland to contact the Student about the MAT/ECO Charges and the hearing. Attempts to contact the Student were made by email to the Student’s utoronto account, by phone to the Student’s telephone

number listed in ROSI (Mr. Webb received a message that the number was no longer in service) and by courier to the Student's address listed in ROSI (the package was signed for by the concierge at the building).

20. Ms. Blair's Affidavit also provides that:
 - (a) On April 26, 2021, the Student met with the course instructor for ECO220 to discuss allegations that the Student obtained unauthorized assistance in connection with the Term Tests.
 - (b) In November 2021, the Student had exchanged emails with the course instructor for MAT334 about the allegations that the Student obtained unauthorized assistance in connection with MAT334 Test.
 - (c) Emails from June and July 2022 show the Student Academic Integrity Office ("SAI") trying to schedule a meeting with the Student to discuss the allegations in this case, but that the Student did not respond.
 - (d) The Student's Acorn account (a web-based tool that stores University of Toronto students' academic, personal and financial records) had last been accessed on January 5, 2023.
21. Mr. Wagg's Affidavit provides that the last time someone accessed the Student's utoronto email account was on September 22, 2022 at 5:22 PM, local Toronto time. Accordingly, the Student's exchange of emails with the course instructor for MAT334, his meeting with the course instructor for ECO220 and the receipt of emails from the SAI in June and July 2022 took place *prior* to the last time someone logged into the Student's email address. The service of the MAT/ECO Charges and Notice of Hearing were served on the Student, by email and courier *after* the last time someone logged into the Student's email address.
22. Further, in accordance with the evidence of Ms. Blair, the Student appeared to be aware of the allegations that led to the MAT/ECO Charges as she had emailed with her MAT334 course instructor and met with her ECO220 course instructor to address their respective concerns in November 2021 and April 2021, respectively.

23. In the *University of Toronto v. J.Z.* (Case No. 1406, April 4, 2023) and the *University of Toronto v. Y. L.* (Case No. 1239, March 17, 2022) (“Y.L.”), the Panels were satisfied that it was more likely than not that the students in those cases had made a deliberate choice to avoid any official communications from the University after engaging in initial interactions with their instructors regarding the allegations of academic misconduct. While the Panel in the case at bar does not deem it necessary to come to the same conclusion, it was troubled by the timeline in this case.
24. Although the evidence provided did not confirm that the Student had received the Notice of Electronic Hearing, whether or not the Student actually received the notice provided is not the question to be answered. The University served the Student by email to her official ROSI email and attempted to reach the Student by courier and phone. Accordingly, the Panel found that the Student was given reasonable notice under the Rules. The Tribunal therefore ordered that the hearing should proceed in the Student’s absence.

IV. Summary of the Evidence

MAT Charges

25. In the Fall of 2021, the Student was enrolled in MAT334H5F: Complex Variables - an upper year mathematics course. The course was taught by Associate Professor Ke Zhang (“Professor Zhang”) and covers several topics, including conformal mappings, analytic continuation, and harmonic functions. The textbook for the course was *Complex Variables* by Stephen Fisher (2nd Edition), Dover Publications.
26. Students in the course were required to write several assignments, term tests and a final exam.
27. The syllabus stated that no outside aids or help from other people was permitted in the term tests and the final: “**No outside aids** permitted in term test and final exam, including textbook, notes, and any form of help from other people. The term tests and final exam

will come with a formula sheet of common formulas in the course.” (Emphasis in original)

28. MAT334 Test was administered online from 11:10am to 1:00pm on October 28, 2021, and was worth 25% of students’ final grade in the course. The front page of the Test stated: “No outside aid is allowed.”
29. In his Affidavit sworn April 4, 2023, Professor Zhang provides evidence that:
 - (a) When he was grading the MAT334 Test, he found that several students’ answers were highly similar. These students included the Student and approximately 13 other students.
 - (b) The Student’s answers and those of another student (J.H.) contained verbatim similarities and non-verbatim conceptual similarities. These similarities were pictorially represented in a chart contained in Professor Zhang’s Affidavit. Verbatim similarities were highlighted in yellow and non-verbatim conceptual similarities were highlighted in blue. The contents of these charts are painted almost entirely in yellow.
 - (c) For questions 1, 2, and 3, Professor Zhang explains that there were many different ways that students could have written or expressed their answers, but the Student’s and J.H.’s answers were highly similar in terms of method, steps, structure, and notations. The Student’s and J.H.’s answers were correct, but the degree of similarity between their answers was striking compared to the many different ways that other students in the course wrote their answers to these questions.
 - (d) For question 4, the Student’s and J.H.’s answers were virtually identical, including the use of an advanced and somewhat obscure theorem (Green’s Theorem) that Professor Zhang did not teach in the course. There were many different ways that students could have written or expressed their answers, either with or without using Green’s Formula. The Student’s and J.H.’s answers were

correct, but the degree of similarity between their answers was striking compared to the many different ways that other students in the course wrote their answers.

- (e) For question 5, there were many different ways that students could have written or expressed their answers. With the exception of one step, the Student and J.H. both used virtually the same method, steps, structure, and notations. The degree of similarity between their answers was striking compared to the many other ways that students in the course wrote their answers to this question. The Student's and J.H.'s final answers were correct, but they both missed the same intermediate step that explains how they went from one step to the next.
30. Professor Shay Fuchs, Dean's Designate for Academic Integrity and an Associate Professor, Teaching Stream, in the Department of Mathematical and Computational Sciences, at the University of Toronto Mississauga ("Professor Fuchs") also provided evidence by affidavit regarding the MAT Charges.
31. In his Affidavit sworn April 4, 2023, Professor Fuchs provides evidence that:
- (a) In 2022, the Academic Integrity Unit received allegations that several students in MAT334 obtained unauthorized assistance in the MAT334 Test.
 - (b) These students included the Student and approximately 13 others. Except for the Student, each of the students have admitted to an academic offence in connection with the MAT334 Test.
32. Professor Fuchs Affidavit details the various Dean's Designate Meetings held with the 13 other students (*i.e.*, not the Student) and the various explanations, admissions, etc. by those students regarding the alleged academic misconduct. While the Panel took into consideration the contents of Professor Fuchs' Affidavit, the Panel did not find the evidence of the other students' admissions, explanations regarding the MAT334 Test relevant to the determination of whether or not the Student was guilty of the charges related to the MAT Charges.

ECO Charges

33. The Student was enrolled in ECO220 (“Introductory to Data Analysis and Applied Econometrics”) in Fall 2020 and Winter 2021. The course was taught by Professor Jennifer Murdock (“Professor Murdock”), who has taught ECO220 at the University of Toronto since 2004.
34. In Fall 2020 and Winter 2021, the course was administered online due to the pandemic. There were five sections in the course. Students registered for one of these five sections.
35. 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 provided evidence that she created eight different versions of each term test to deter cheating. Students were assigned a particular version of a term test at random.
36. 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.”
37. 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 “[t]here is absolutely no collaboration and absolutely no communication until after we return your marked work to you.”
38. Term test 2 was administered online on December 4, 2020. Students had 105 minutes to write the test and 15 minutes to scan and upload their tests. To deter cheating, eight versions were prepared and assigned to students at random.

39. Term test 3 was administered online on February 26, 2021. Students had 105 minutes to write the test and 15 minutes to scan and upload their tests. To deter cheating, eight versions were prepared and assigned to students at random.
40. In her Affidavit sworn March 30, 2023, Professor Murdock provided the following evidence related to the ECO Charges:
- (a) On March 3, 2021, a teaching assistant for the course notified Professor Murdock that several students gave highly similar answers to term test 3. After reviewing the similarities, Professor Murdock had serious concerns that students were collaborating, and decided to investigate.
 - (b) From March to May 2021, the teaching team spent well over 100 hours investigating the issue and found evidence of widespread collaboration. 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.
 - (c) Professor Murdock suspected that the Student collaborated with other students on term test 2 (and, specifically, two students) because there were striking similarities between the Student's answers and those of the other students even though there were many ways that students could have written their answers and many ways that other students in the course actually wrote their answers.
 - (d) The striking similarities on term test 2 included word choice, syntax, structure, ideas and quantitative analysis. In some cases, the answers to the test questions were virtually identical to those of another student, namely, H.L.
 - (e) The Student's term test 3 was also similarly striking in its similarity (word choice, syntax, structure, ideas and quantitative analysis) to another student's test; namely, D.Z. In some cases, again, the answers to test questions were virtually identical (including full paragraphs of text).

- (f) Professor Murdock's Affidavit includes a chart that compares the Student's answers in terms test 2 and term test 3 with H.L and D.Z, respectively. Yellow highlighting is used to indicate verbatim similarities and blue highlighting indicates non-verbatim conceptual similarities. Very significant portions of the answers are completely highlighted in yellow, there is some blue and very little unhighlighted portions (in either yellow or blue). In other words, the chart shows virtually identical answers for term test 2 and term test 3 between the Student and H.L and D.Z., respectively.
41. Professor Murdock provided additional oral evidence at the hearing. Her evidence was that:
- (a) She has been teaching the course since 2004 and has a depth of experience reviewing the wide range of answers that students may provide to a given question. In the case at bar, Professor Murdock's evidence was that the Student's term test 2 and term test 3 – due to their striking similarities with other students – “stood out like a sore thumb”. Professor Murdock was emphatic in that description.
- (b) Even among specifically high-quality answers, as was the case here, Professor Murdock was very strong in her evidence that answers vary significantly. Professor Murdock again underscored that the Student's term test 2 and term test 3 – due to their striking similarities with other students – stood out like a sore thumb.
42. Professor Elizabeth Cowper, Professor Emeritus in the Department of Linguistics at the University of Toronto and Dean's Designate for Academic Integrity with the Student Academic Integrity office in the Faculty of Arts and Science (“Professor Cowper”) also provided evidence by affidavit regarding the ECO Charges.
43. In her Affidavit sworn April 3, 2023, Professor Cowper provides evidence that:

- (a) In 2021, SAI received allegations that over 100 students in Fall 2020 and Winter 2021 ECO220 obtained unauthorized assistance on several term tests. These students included the Student, H.L. and D.Z.
 - (b) H.L. and D.Z., and many other students, admitted to an academic offence in connection with one or more ECO220 term tests.
44. Professor Cowper's Affidavit details the various Dean's Designate Meetings held with the other Students (*i.e.*, not the Student) to discuss the allegations. Professor Cowper's Affidavit addresses the significant amount of time and resources that were required to arrange and hold these meetings. SAI made several attempts to contact the Student about ECO220 and MAT334, but the Student never responded.

V. Findings on Charges

45. The Student is charged with obtaining unauthorized assistance contrary to section B.I.1(b) of the Code as it relates to MAT334 Test and Term Test 2 and 3 in ECO220.
46. The University has the onus to show, on clear and convincing evidence, that the Student committed the alleged offence on a balance of probabilities. This means that the University must prove it is more likely than not (*i.e.*, a 51% probability) that the Student committed the offence. The University is not required to prove the offence "conclusively or by necessary inference", nor is it required to eliminate all "possibilities that are inconsistent with an inference of guilt".
47. Assistant Discipline Counsel made submissions that where the University leads evidence that a student's answer is similar to another student's answer or to a third party's answer, the Tribunal should consider the following factors to evaluate the evidence (although the following is not explicitly stated in the cases submitted by Assistant Discipline Counsel nor set out as a binding test):
- (a) The nature of the question, including the number of ways that one could express an answer to the question, whether the question is new, etc.

MAT Charges: The evidence from Professor Zhang was that there were many ways that a student could have answered the mathematical question in terms of method, steps, structure, and notations, but that the Student answered the questions in a strikingly similar fashion to J.H. as reflected in the chart contained in his affidavit.

ECO Charges: The evidence of Professor Murdock based on her teaching the course for approximately 20 years is that students, including those with high calibre answers, would be expected to answer the questions in very many different ways. In other words, answers can reflect the same general conclusions/responses but the steps to get there and the way the answer is written varies greatly.

- (b) The nature of the similarities, including idiosyncrasies, unusual features, mistakes, concepts or notations not taught in the course, etc.;

MAT Charges: Professor Zhang's evidence was that the Student's answers were highly similar to another student's answers in terms of method, steps, structure, and written notations. Additionally, Professor Zhang's evidence was that the Student's and J.H.'s answers were virtually identical, including the use of an advanced and somewhat obscure theorem (Green's Theorem) that Professor Zhang did not teach in the course. Critically, the Student's and J.H.'s final answers to question 5 were correct, but they both missed the same intermediate step that explains how they went from one step to the next. This was a significant piece of evidence taken into consideration by the Panel.

ECO Charges: Professor Murdock gave oral evidence that the similarities "stuck out like a sore thumb".

- (c) The degree of the similarities, ranging from modest to striking similarities;

MAT/ECO Charges: In both cases the degree of similarities was striking as evidenced by the charts prepared by the affiants depicting the verbatim similarities in yellow and non-verbatim similarities in blue.

- (d) The student's explanation, if any, for the similarities;

MAT/ECO Charges: The Student did not participate in the proceeding and therefore no explanation was provided by her.

- (e) Any other factors that are relevant in the circumstances, including whether other students who submitted similar answers have admitted to an offence in connection with the same piece of academic work.

MAT/ECO Charges: The Panel did not place weight on the hearsay evidence of other students as set out in the Affidavits of Professor Fuchs and Professor Cowper.

48. Assistant Discipline Counsel submits that the University is not required to definitively prove the method by which a student obtained unauthorized assistance, as long as the required elements of the offence are made out. For example, where the University leads evidence that two answers are similar, the University is not required to definitively prove that a student obtained their answer from another student or a from third party (e.g., a tutor, a website, etc.). The University only has to prove that the Student obtained unauthorized assistance. Further, the University does not need to prove whether the Student provided or obtained the unauthorized assistance. In this case, even were it the case that it was the Student whose tests were in all cases copied by the other students, the requirement to work independently would have been violated.
49. Applying the above framework to each of the alleged academic offences, the Panel was satisfied that the evidence establishes that the University proved on a balance of probabilities the facts to support a conviction on the MAT Charges and ECO Charges under section B.I.1(b) of the Code.

50. As in the case of the *University of Toronto and Y.C. and L.F.*, (Case No. 1372 and Case No. 1373, March 7, 2023), the evidence in this case does not support a particular theory of misconduct. The Student may have copied the answers of another student, the Student's own answers may have been copied, or the Student copied the same answers as the other remarked-upon students from another source. No matter how the Student went about it, the evidence established on a balance of probabilities that misconduct occurred. As noted by the Tribunal in the case of the *University of Toronto and S.R.* (Case No. 708, June 6, 2014) at paragraph 33, Charge 1 under section B.I.1(b) of the Code covers both obtaining unauthorized assistance from another person, or, through the operation of section B.II.1.(a), being a party to the offence of aiding or assisting another student to obtain unauthorized assistance. All the University must prove on a balance of probabilities is that an offence occurred.
51. The evidence establishes that there were highly unusual similarities between the Student's answers to Term Test 1 in MAT334 and Term Test 2 and Term Test 3 in ECO220 and that it defies credulity that the similarities were due to chance.

VI. Finding on Penalty

52. Once the Panel had made a determination on the charges, the University requested the following penalty for the offences:
- (a) a final grade of zero in ECO2201Y1 in Fall 2020 and Winter 2021;
 - (b) a final grade of zero in MAT334H5F in Fall 2021;
 - (c) a suspension from the University for a period of 3 years from the date of this order; and
 - (d) a notation of the sanction on the student's academic record and transcript for a period of 4 years from the date of this order.
53. The University also requested 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.

54. To support this proposed penalty, Assistant Discipline Counsel referred to Appendix “C” to the Code, which provides a guide to sanctions. Assistant Discipline Counsel also made submissions on the relevant factors in determining the appropriate sanctions and the typical penalty for similar cases by drawing the Panel’s attention to various other cases similar to this case.
55. The seminal case of the *University of Toronto and Mr. C.* (Case No. 1976/77-3, November 5, 1976) outlines the factors that the Panel should consider in determining the appropriate penalty: a) The character of the person charged; b) The likelihood of repetition of the offence; c) The nature of the offence committed; d) Any extenuating circumstances surrounding the commission of the offence; e) The detriment to the University occasioned by the offence; and f) The need to deter others from committing a similar offence.
56. Consideration of those factors (grouped together in some instances) is addressed below:
- (a) Given that the Student did not participate in the proceeding, there was no evidence presented to the Panel regarding the character of the person charged and, therefore, no mitigating circumstances to consider. The Panel considered this to be a neutral factor.
 - (b) Likelihood of repetition of offence. This was a key factor driving the University’s position on sanction and the Panel gave it thoughtful consideration. While the Student had no prior offences, the Student was found to have committed three concurrent offences. A chronological review of how the events unfolded vis-à-vis the MAT/ECO Charges was instructive regarding this factor. In summary, the Student committed an academic offence in December 2020, when she obtained unauthorized assistance on Term Test 1 in ECO2202. Two months later, in February 2021, the Student again obtained unauthorized assistance in Term Test 3 in the same course. On April 26, 2021, the Student met with Professor Murdock to discuss allegations and was put on notice that this type of conduct is not acceptable. After being warned of a possible academic integrity offence, the Student again committed the same offence by collaborating with another student

in the Fall of 2021 in MAT334. The three offences were nearly identical and the repetition of the offence, notwithstanding a warning, suggested to the Panel that there was a very real likelihood of re-offence.

- (c) Nature of Offence/Detriment to the University/General Deterrence. The University relied on the case of the *University of Toronto and G.G.* (Case No. 1104, June 24, 2021) (“G.G.”). While the offence in that case involved plagiarism, the comments of the Panel at paragraph 19 apply equally to the offence of unauthorized assistance: “The offence is serious in nature and causes great detriment to the University and its students. A number of Tribunal decisions (e.g., *University of Toronto and Y.G.* (Case No. 802, September 28, 2015) have observed that plagiarism corrodes academic integrity at the University and undermines the relationship of trust between the University and its students. For these reasons, plagiarism is considered in the cases to be a very serious offence that warrants a serious penalty.” With respect to deterrence, the Panel in G.G. made the following observations, which are also apposite this case: “There is a strong need to deter others from committing a similar offence, for many of the reasons noted above. This type of offence poses a grave threat to the integrity of the University’s processes for evaluating students, is profoundly unfair to other students, and jeopardizes the University’s reputation.”
57. While the Student in this case did not have any prior offences, the Student had been warned of a possible academic integrity offence by Professor Murdock related to Term Test 3 prior to the Student committing the very same offence by collaborating with another student in the Fall of 2021 in MAT334.
58. The Panel carefully considered the facts of the case. The Panel is aware that prior Tribunal decisions are not binding on it, but that they do offer guidance for the Panel on penalties imposed on other students in similar circumstances.
59. In this case, the three-year suspension for a finding of liability on three concurrent offences with an intervening event (of Professor Murdock meeting with the Student) was in line with similar cases presented by Assistant Discipline Counsel. Again, while the

Panel is not bound by any of these decisions, they are helpful in assisting the Tribunal in treating like cases alike.

60. For these reasons, the Tribunal accepted the Provost's submissions on sanction, and signed an order after the hearing imposing the following sanctions on the Student:
- (a) final grade of zero in ECO2201Y1 in Fall 2020 and Winter 2021;
 - (b) final grade of zero in MAT334H5F in Fall 2021;
 - (c) suspension from the University for a period of 3 years from the date of this order;
 - (d) notation of the sanction on the student's academic record and transcript for a period of 4 years from the date of this order; and
 - (e) This case shall be reported to the Provost for publication of a notice of the decision of the Tribunal and the sanctions imposed, with the name of the Student withheld.

Dated at Toronto this 17th day of July, 2023

Original signed by:

Joelle Ruskin, Chair
On behalf of the Panel