

**THE UNIVERSITY TRIBUNAL
THE UNIVERSITY OF TORONTO**

IN THE MATTER OF charges of academic misconduct made on March 2, 2023,

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 am. S.O. 1978, c. 88

B E T W E E N:

THE UNIVERSITY OF TORONTO

- and -

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REASONS FOR DECISION

Hearing Date: June 16, 2023, via Zoom

Members of the Panel:

Alexi Wood, Chair

Professor Alex Koo, Faculty Panel Member

Garrick Burron, Student Panel Member

Appearances:

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

Sanghyun Park, Summer Student, Paliare Roland Rosenberg Rothstein LLP

Hearing Secretary:

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

Not in Attendance:

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A. OVERVIEW

1. On June 16, 2023, a Panel of the University Tribunal convened by videoconference to hear the University of Toronto's (the "University") allegations that A■■■ L■■■ (the "Student") violated any or all of sections B.I.1(d), B.I.1(b), and B.I.3(b) *Code of Behaviour on Academic Matters, 2019* (the "Code").

2. The Student did not attend the hearing. The Panel found that the Student had reasonable notice of the hearing and the charges pursuant to the *Statutory Powers Procedure Act* (the "SPPA")¹ and The University Tribunal's *Rules of Practice and Procedure* (the "Rules"). The hearing proceeded in the Student's absence.

3. At the conclusion of the hearing, the Panel found that the Student was guilty of two counts of unauthorized assistance, contrary to B.I.1(b) of the Code.

4. The Panel made the Order outlined below with reasons to follow. These are the reasons.

B. THE CHARGES

5. By letter dated March 2, 2023, the University outlined the charges against the Student as follows:

The CSCA67H3 Charges

- a. On or about December 10, 2020, the Student used or possessed an unauthorized aid or aids or obtained or provided unauthorized assistance in connection with the final exam in CSCA67H3, contrary to section B.I.1(b) of the Code.

¹ RSO 1990, c S.22

- b. In the alternative, on or about December 10, 2020, the Student represented as her own an idea or expression of an idea or work of another in the final exam in CSCA67H3, contrary to section B.I.1(d) of the Code.
- c. In the alternative, on or about December 10, 2020, the Student 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 CSCA67H3, contrary to section B.I.3(b) of the Code.

The MATA30H3 Charges

- d. On or about December 14, 2020, the Student knowingly used or possessed an unauthorized aid or aids or obtained or provided unauthorized assistance in connection with the final exam in MATA30H3, contrary to section B.I.1(b) of the Code.
- e. In the alternative, on or about December 14, 2020, the Student knowingly represented as her own an idea or expression of an idea or work of another in the final exam in MATA30H3, contrary to section B.I.1(d) of the Code.
- f. On or about December 14, 2020, 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 MATA30H3, contrary to section B.I.3(b) of the Code.

The MGEBO5H3 Charges

- g. On or about February 12, 2021, the Student knowingly used or possessed an unauthorized aid or aids or obtained or provided unauthorized assistance in connection with Assignment 1 in MGEBO5H3, contrary to section B.I.1(b) of the Code.
- h. In the alternative, on or about February 12, 2021, the Student knowingly represented as her own an idea or expression of an idea or work of another in Assignment 1 in MGEBO5H3, contrary to section B.I.1(d) of the Code.
- i. In the alternative, on or about February 12, 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 Assignment 1 in MGEB05H3, contrary to section B.I.3(b) of the Code.

(Collectively, the “Charges”)

6. The Particulars of the Charges are as follows.

a. The Student was a student at the University of Toronto Scarborough at all material times.

MGEB05H3: Discrete Mathematics

b. In Fall 2020, the Student enrolled in CSCA67H3: Discrete Mathematics (the “CSCA Course”).

c. Students in the CSCA Course were required to write a final exam, which was worth 35% of their final grade. Students were prohibited from using aids or collaborating on the final exam.

d. On or about December 10, 2020, the Student submitted the final exam in the CSCA Course.

e. The Student submitted the final exam in the CSCA Course:

i. to obtain academic credit;

ii. knowing that it contained ideas, expressions of ideas or work which were not her own, but were the ideas, expressions of ideas or work of others, including other students or the author(s) of answers that were posted on slader.com, which is a website that advertises it teaches students how to learn with step-by-step textbook solutions written by subject matter experts (the “Slader Source”); and

iii. knowing that she did not properly reference the ideas, expressions of ideas or work that she drew from the Slader Source, other students, or others.

f. The Student knew that the Slader Source was not an authorized source to which she was allowed to refer in completing the final exam in the CSCA Course.

g. The Student knowingly obtained unauthorized assistance from the Slader Source, other students, or others in completing the final exam in the CSCA Course.

- h. The Student knowingly submitted the final exam in the CSCA Course with the intention that the University rely on it as containing her own ideas or work in considering the appropriate academic credit to be assigned to her work.

MATA30H3: Calculus I for Physical Sciences

- i. In Fall 2020, the Student enrolled in MATA30H3: Calculus I for Physical Sciences (the “MATA Course”).
- j. Students in the MATA Course were required to write a final exam, which was worth 40% of their final grade. Students were prohibited from using aids or collaborating on the final exam.
- k. The Student asked for an extension to submit the final exam in the MATA Course because she was purportedly experiencing technical issues.
- l. The Student did not experience technical issues. The Student asked for an extension to submit the final exam to obtain unauthorized assistance from other students or others in connection with the final exam.
- m. On or about December 14, 2020, the Student submitted the final exam in the MATA Course.
- n. The Student submitted the final exam in the MATA Course:
 - i. to obtain academic credit;
 - ii. knowing that it contained ideas, expressions of ideas or work which were not her own, but were the ideas, expressions of ideas or work of other students or others; and
 - iii. knowing that she did not properly reference the ideas, expressions of ideas or work that she drew from other students or from others.
- o. The Student knowingly obtained unauthorized assistance from other students or others in completing the final exam in the MATA Course.
- p. The Student knowingly submitted the final exam in the MATA Course with the intention that the University rely on it as containing her own ideas or work in considering the appropriate academic credit to be assigned to her work.

MGEB05H3: Macroeconomic Theory and Policy

- q. In Winter 2021, Professor Iris Au taught MGEB05H3: Macroeconomic Theory and Policy (the “MGEB05 Course”), and Professor Jack Parkinson taught MGEB06H3: Macroeconomic Theory and Policy: A Mathematical Approach (the “MGEB06 Course”).
- r. The Student was enrolled in the MGEB05 Course, but not the MGEB06 Course.
- s. Students in the MGEB05 Course and the MGEB06 Course were required to write several assignments, which were each worth 10% of their final grade. Students were prohibited from using aids or collaborating on the assignments.
- t. Questions 1, 2, and 3 on Assignment 1 in the MGEB05 Course and the MGEB06 Course were common questions. Question 4 on Assignment 1 in the MGEB05 Course and the MGEB06 Course were different questions.
- u. On or about February 12, 2021, the Student submitted Assignment 1 in the MGEB05 Course.
- v. The Student submitted an answer to Question 4 that corresponded to the version of the question that appeared on Assignment 1 in the MGEB06 Course.
- w. The Student submitted Assignment 1 in the MGEB05 Course:
 - i. to obtain academic credit;
 - ii. knowing that it contained ideas, expressions of ideas or work which were not her own, but were the ideas, expressions of ideas or work of a paid tutor, other students, or others; and
 - iii. knowing that she did not properly reference the ideas, expressions of ideas or work that she drew from a paid tutor, other students, or others.
- x. The Student knowingly obtained unauthorized assistance from a paid tutor, other students, or others in completing Assignment 1 in the MGEB05 Course.
- y. The Student knowingly submitted Assignment 1 in the MGEB05 Course with the intention that the University rely on it as containing her own ideas or work in considering the appropriate academic credit to be assigned to her work.

C. FINDING

7. At the outset of the hearing, Mr. Webb, Assistant Discipline Counsel, provided three points of clarification about the charges. He first advised that the Provost was not proceeding with the charges related to the MATA Course, which are outlined at paragraph 5(d) to 5(f) above. Those charges were withdrawn, and the Panel did not hear any evidence on those charges.

8. Second, Mr. Webb advised that the Provost agreed that if the Panel found the Student to have committed the offence regarding the CSCA Course listed in paragraph 5(a), then the Provost would withdraw the remaining charges for that course listed in paragraph 5(b) and 5(c) above.

9. Finally, Mr. Webb advised that the Provost agreed that if the Panel found the Student to have committed the offence regarding the MGE05 Course listed in paragraph 5(g) above, then the Provost would withdraw the remaining charges for that course listed in paragraph 5(h) and 5(i) above.

10. After hearing the submissions of Assistant Discipline Counsel, the Panel found that the Student had committed the offences listed in paragraph 5(a) and 5(g).

11. As a result of this finding, the Provost agreed to withdraw the remaining charges listed in paragraph 5 above.

12. At the conclusion of the hearing, the Panel ordered that:

- a. the hearing may proceed in the Student's absence;
- b. the Student is guilty of two counts of unauthorized assistance, contrary to B.I.1(b) of the Code;

- c. the Student receive a final grade of zero in CSCA67H3 in Fall 2020;
- d. the Student receive a final grade of zero in MGEB05H3 in Winter 2021;
- e. the Student be suspended from the University for a period of three years commencing on June 16, 2023;
- f. a notation of the sanction be placed on the Student's academic record and transcript for a period of four years commencing on June 16, 2023; and
- g. 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.

Paragraph 12(a) through (g) will be referred to as the Penalty Ordered.

D. NOTICE

13. Section 6 of the SPPA requires reasonable notice of the hearing be provided to the parties. Rule 13 of the Rules provides for the methods of service of documents, including charges and notices of hearing. This includes personal service, sending a copy of the document by courier to the student's mailing address contained in ROSI, or sending a copy of the document by email to the email address contained in ROSI.

14. The University's *Policy on Official Correspondence with Students* (the "Policy") requires that students provide the University with their current postal and email addresses through ROSI. Students are expected to monitor and retrieve all mail, including emails, on a frequent and consistent basis.

15. Section 7 of the SPPA and rule 21 of the Rules allow this Tribunal to proceed in the absence of a student where notice has been given. When proceeding in the absence of a student, the University must demonstrate it took reasonable steps to notify the student of the charges and of the hearing. The University does not need to prove actual notice.²

16. The Student was neither present nor represented at the hearing.

17. As detailed above, students are required to provide the University with their current postal address. The Provost provided affidavit evidence that the mailing address listed in the Student's ROSI profile had a "termination date" in 2016 and the Student's permanent address had a "termination date" in 2017. The Provost also filed evidence that between 2016 and 2017, the Student's contact information was updated seven times. While the Student's email address and permanent address remained the same, the Student's telephone number changed once, and the Student's mailing address changed five times.

18. The Provost provided affidavit evidence that on January 25, 2021, and again on July 21, 2021, the Registrar's Office emailed the Student to request that she update her contact information. She did not do so. The emails were blind copied to the Student's official University email address.

19. Between February and March 2021, the Student exchanged several emails with Professor Iris Au, the course instructor for the MGEB05 Course, regarding Professor Au's concerns of potential academic misconduct. These emails were sent to the Student's official University email account and the Student responded to the emails.

² *The University of Toronto and O.E.R.* (Case No 981, March 4, 2019) at para 37.

20. The University filed evidence regarding service and attempts to contact the Student. That evidence included:

- a. On March 2, 2023, the Office of the Vice-Provost, Faculty and Academic Life served the charges in this matter on the Student by email to the Student's University email address.
- b. On March 2, 2023, the Office of Appeals, Discipline and Faculty Grievances sent the Student with a letter regarding the charges that were filed against her, together with a copy of the charges, the Code, the Rules and a pamphlet for Downtown Legal Services.
- c. On April 20, 2023, Mr. Webb emailed a disclosure letter and a disclosure brief to the Student. Mr. Webb stated he would request a notice of hearing be issued if he did not hear back from the Student by May 1, 2023. Mr. Webb did not receive a response.
- d. On May 2, 2023, Mr. Webb emailed the Student that he would request a notice of hearing be issued because he had not heard back from the Student. Mr. Webb advised the Student that the hearing could proceed without her.
- e. That same day, Mr. Webb emailed the Office of Appeals, Discipline and Faculty Grievances to request that a notice of hearing be issued for June 16, 2023. A Notice of Electronic Hearing was issued, and the Student was copied on the emails.
- f. On June 6, 2023, Mr. Webb called the two phone numbers that were listed in the Student's ROSI profile. At both numbers, he was told that the person was not the Student and that they did not know anyone by the Student's name.

- g. Assistant Discipline Counsel did not attempt to courier a package of information to either the Student's mailing address or permanent address in ROSI. The Student's mailing address had changed several times between 2014 and 2018 and the most recent address expired in 2018. The Student's permanent address listed in ROSI was a 36-story apartment building with no unit number. That address expired in 2017.
21. None of the emails were returned and there were no bounce backs received to any of the emails. Assistant Discipline Counsel did not receive any communication from the Student.
22. The University also filed evidence from Andrew Wagg, Manager, Incident Response at Information Technology Services at the University. Mr. Wagg stated on June 5, 2023, he checked the portal records to determine the last time someone accessed the Student's mail.utoronto.ca email. According to Mr. Wagg, that email was last accessed on December 15, 2022. This date is after the email exchange between the Student and Professor Au (February to March 2021) but before the Office emailed the Student with the charges.
23. The University is not required to provide actual notice. This Panel finds that the University complied with the SPPA and the Rules and has demonstrated that it took reasonable steps to notify the Student of the charges and of the hearing.
24. According to the Policy, students are obligated to advise the University of their current address. The Student was asked to update this information twice in 2021 and did not. Documents were emailed to the Student's official University email address and Assistant Discipline Counsel attempted to reach the Student at the historic phone numbers listed.

25. Following the Registrar's first request that the Student update her information in ROSI, the Student corresponded with Professor Au who advised the Student of her concerns regarding academic integrity. At that point, the Student had knowledge that there were academic issues pending against her. That should have alerted the Student to the importance of keeping her contact information current and at the very least ensuring she checked her University email, which was the email address from which she corresponded with Professor Au.

26. The Panel determined it would proceed to hear the case on its merits in the Student's absence.

E. FACTS

27. At all material times, the Student was registered at the University of Toronto Scarborough.

28. The Student enrolled in courses in Winter 2016, Fall 2016, Winter 2017 and Fall 2017. The Student was not enrolled in any courses at the University from Winter 2018 to Winter 2020. The Student was enrolled in courses at the University in Summer 2020, Fall 2020, Winter 2021 and Summer 2021. The charges address courses in which the Student was enrolled in the Fall 2020 and Winter 2021.

Charges relating to CSCA67H3

29. The University filed an affidavit from Professor Anna Bretscher, an Associate Professor in the Department of Computer and Mathematical Sciences at the University of Toronto Scarborough. Professor Bretscher taught CSCA67H3 (the "CSCA Course") in the Fall 2020, when the Student was enrolled. The CSCA Course is an introductory course that examines topics like combinatorics, discrete probability, and graph theory.

30. The final exam in the CSCA Course was worth 35% of the course mark. It was administered online via Zoom on December 10, 2020. Students were monitored by teaching assistants and invigilators. The syllabus for the CSCA Course stated that the midterm, quizzes, and final exam were closed book and that no aids were permitted. In addition, the front page of the final exam contained a notice to students that they were required to keep their camera on at all times, with their face, hands and exam paper visible. Students were not allowed to leave the exam space, even to use the washroom. Failure to follow the rules resulted in a zero in the exam and students were notified that it could constitute an academic offence.

31. Following the exam, one of the invigilators notified Professor Bretscher that he suspected that the Student used an aid during the final exam. He reported that he observed the Student looking at something off camera and he believed that the Student was looking at a second computer monitor. The invigilator reported that he asked the Student if she was looking at a second monitor. She denied she was looking at anything.

32. The final exam was recorded through Zoom. Professor Bretscher reviewed the Zoom recording of the final exam and personally observed the Student's actions. She observed the Student look at something off camera, and then immediately write down an answer. Professor Bretscher believed the Student was looking at a second monitor.

33. After reviewing the recording, Professor Bretscher reviewed the Student's final exam, and in her opinion, the answer to Question 13 was "highly unusual" because it used different lettered variables for consecutive integers. According to Professor Bretscher, during the course, she taught students to use the same lettered variables when listing consecutive integers. She stated it would

be “nonsensical and confusing” to use different lettered variables in a solution that lists consecutive integers.

34. Professor Bretscher found that a similar question had been posted to a website called “Slader.com” – a website that markets itself as a “global network of subject-matter experts” who “verify solutions and answer when students have questions.”

35. Professor Bretscher compared the answer on Slader.com with the Student’s final exam answer. She found that there were striking and unusual similarities. The answers were structured similarly, and both chose different lettered integers when listing consecutive integers instead of using the same lettered variables. No other student in the course prepared their answer in this way.

36. There were other similarities between the Slader.com answer and the Student’s answer including a complicated simplification that according to Professor Bretscher would be uncommon for first year students. In addition, both answers wrote the final line in a similar way.

37. Professor Bretscher stated that she and the Student exchanged emails in January 2021 where Professor Bretscher advised the Student that her mark was listed as “Grade Withheld Pending Review” because the Student did not follow the instructions during the final exam, that her solutions closely resembled solutions found on the internet, and that the Student was being investigated for cheating. The email exchange was not before this Panel but the evidence about its existence was contained in Professor Bretscher affidavit.

38. The University also submitted an affidavit from Professor Thierry Sans, an Assistant Professor in the Department of Computer and Mathematical Sciences at the University of Toronto

Scarborough. Professor Sans served as the Department Chair's representative for academic integrity from March 2019 to May 2022.

39. Professor Sans stated that in early 2021, he received a report from Professor Bretscher that the Student had obtained unauthorized assistance during her final exam in the CSCA Course.

40. On March 30, 2021, Professor Sans met with the Student online. The Student admitted that she had a second monitor during the final exam in the CSCA Course. She admitted that she was engaged in a group chat on WeChat and received screen shots of answers to the final exam.

41. Professor Sans advised the Student that the matter would be referred to the Dean's Office because the final exam was worth 35% of the final mark. Professor Sans then forwarded the matter to the Dean's Office. The Panel had no evidence before it about any action taken against the other individuals in the WeChat group chat.

Charges relating to MGEB05H3

42. The University filed the affidavit of Professor Iris Au, a Professor and Associate Chair, Programs and Students, in the Department of Management at the University of Toronto Scarborough.

43. Professor Au taught MGEB05H3: Macroeconomic Theory and Policy in the Winter 2021 (the "MGEB05 Course"). The Student was enrolled in that course.

44. At that same time, another professor, Jack Parkinson, taught MGEB06: Macroeconomic Theory and Policy: A Mathematical Approach (the "MGEB06 Course"). The Student was not enrolled in that course and indeed the courses are mutually exclusive. Either course can be used to

fulfill the prerequisite requirement for upper year economic courses and, as a result, Professors Au and Parkinson work together to ensure consistency. There are differences, however, including that Professor Parkinson teaches about the “Solow model” – a model of economic growth using calculus. Professor Au did not teach the Solow model.

45. Both the MGEB05 Course and the MGEB06 Course required two assignments, which were worth 10% of the final mark. For these assignments, students were permitted to work individually or in groups of no more than five students. If students were working in a group, they were to submit only one copy of the assignment for the entire group. Both courses contained an academic integrity warning that any student caught violating the University’s Code could be subject to discipline ranging from a zero in the assignment to dismissal from the University.

46. Assignment 1 for both the MGEB05 Course and the MGEB06 Course contained 4 questions. Questions 1 through 3 were the same on Assignment 1 for both courses. Question 4 was different. Question 4 in the MGEB05 Course (the course in which the Student was enrolled) asked students about digital payment platforms and unemployment rate. Question 4 in the MGEB06 Course asked about the Canadian economy and the Solow model.

47. The Student submitted her Assignment 1 on February 12, 2021. She did not submit her Assignment 1 as part of a group. In her answer to Question 4 on Assignment 1, the Student answered the question for the MGEB06 Course, not the MGEB05 Course.

48. That same day, another student Z.L., submitted his Assignment 1 in the MGEB06 Course. Z.L. did not submit his Assignment 1 as part of a group. Z.L. answered the questions for the Assignment 1 in the MGEB06 Course.

49. The following day, February 13, 2021, the Student emailed Professor Au stating she had made a mistake with the file name of Assignment 1 and asked if she could upload it again. The Student later emailed what she claimed to be the “correct” Assignment 1. This version of Assignment 1 contained answers responding to the questions asked in the MGEB05 Course.

50. Professor Au reviewed all other answers to Assignment 1 in the MGEB05 Course. All students, except the Student, provided answers to the four Assignment 1 questions for the MGEB05 Course. Professor Parkinson informed Professor Au that one of his students, Z.L., submitted answers to the MGEB06 Course Assignment 1 that were similar to the Student’s.

51. Professor Au then compared Z.L.’s answer to question 4 and the Student’s answer to question 4. She found that both submitted identical pictures of handwritten answers for questions 2, 3 and 4. The answers had the same handwriting, content, lighting and cropping.

52. Where Z.L. and the Student submitted typed work, the work was virtually identical. Their answers used the same words in the same order, the same punctuation, the same qualitative analysis, the same structure, and the same tables.

53. As outlined above, between February and March 2021, Professor Au and the Student exchanged emails. Professor Au informed the Student she believed the Student had committed an academic offence. Professor Au informed the Student she would be forwarding the matter to the Academic Integrity Office and did so. These emails were not attached to her affidavit. The Panel had no evidence before it about any action taken against Z.L.

F. FINDING OF GUILT

54. The onus is on the University to establish on a balance of probabilities, using clear and convincing evidence, that the Student committed the academic offence charged.³

55. It is not for this Panel to imagine *if* some other possible explanation exists nor is the University required to prove the method by which the student plagiarized. This Panel must determine if it is more likely than not that the similarities arose because of unauthorized assistance.

56. This Panel concludes that the University has established that in writing her final exam for the CSCA Course, the Student used or possessed an unauthorized aid in that she accessed answers through a WeChat group chat. These answers appear to have come from Slader.com.

57. In reaching this conclusion, the Panel relies on the evidence from Professor Bretscher who observed the activities on the Zoom recording and then compared the Student's answer to the answer found on Slader.com. The answers are similar, particularly the use of different lettered integers. The Panel was not persuaded by Professor Bretscher's argument that the Student used a complex simplification without showing her work and raised this during oral argument. Assistant Discipline Counsel submitted that that one point was not determinative and this Panel agrees. The remaining evidence is sufficient for the University to meet its burden.

58. Professor Bretscher's evidence alone is sufficient for the University to meet its burden. However, the Student also admitted to Professor Sans that she had a second computer monitor during the writing of her final exam, and that she corresponded with other students in a WeChat group chat. She admitted she accessed answers to the final exam through the group chat.

³ *The University of Toronto and T.J.* (Case No. 1102, November 5, 2021), para 5.

59. As a result, the Panel finds that the Student committed the offence listed in paragraph 5(a) above.

60. Based on Professor Au's evidence, the Panel also concludes that the Student obtained unauthorized assistance in connection with Assignment 1 in the MGBE05 Course as listed in paragraph 5(g) above. As a result of this finding, the University withdrew the remaining charges listed in paragraph 5.

G. PENALTY

61. The University sought the sanctions in the Penalty Ordered, outlined in paragraph 12 above.

62. Assistant Discipline Counsel submitted that this penalty is in keeping with past decisions of this Tribunal and appropriately considers the six factors outlined in *University of Toronto and Mr. C.* (Case No 77-3, November 5, 1976) which are:

- a. the character of the person charged;
- b. the likelihood of a 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.

63. While no evidence was filed on the issue of penalty, Assistant Discipline Counsel submitted that under the first three factors, although the Student had initially admitted to the offence regarding the CSCA Course, she made no such acknowledgment for the MGE05 Course allegations. In addition, the Student had failed to respond to any correspondence from March 2021 onwards, despite someone having last accessed her official University email account in December 2022. The Student also failed to provide updated or current contact information despite two requests from the Registrar.

64. Assistant Discipline Counsel argued that in this hearing alone, the Panel had evidence of repetition, given that there were two offences – one occurring in 2021 after she had been put on notice that there was an investigation into her conduct during her final exam in the CSCA Course. Even with the knowledge of an ongoing investigation, the Student submitted a copied answer to Assignment 1 question 5 in the MGE05 Course.

65. With respect to the last three factors, Assistant Discipline Counsel submitted that plagiarism is a serious offence “that strikes at the heart of academic integrity.”⁴ It requires a strong sanction that reflects the harm caused and conveys the seriousness of the misconduct to others.

66. The Student did not participate in the hearing, and therefore chose to forgo her opportunity to provide evidence on mitigation. The Panel has no evidence before it to explain her actions, nor does the Panel have any information regarding what if any sanctions the other individuals in the WeChat group chat or Z.L. faced. Had the Student participated and provided an explanation, the outcome may have been different.

⁴ See *University of Toronto and D.K.* (Case No. 1119, July 21, 2021) at para 70.

67. Assistant Discipline Counsel argued that the penalty sought is in keeping with similar cases of this Tribunal. He provided several cases including the cases of W.L.J.,⁵ M.H.H.,⁶ and T.W.⁷ where the student received a three-year suspension and a four-year notation in addition to a zero in the course. In M.H.H., the panel imposed a three-year suspension and a four-year notice on a first offence because the panel found that student had committed two plagiarism offences.

68. There are several factors that weigh in favour of a severe penalty, including the seriousness of the offence, the fact that the Student engaged in the misconduct relating to the MGE05 Course when she was already on notice that she was under investigation for her actions during the CSCA Course final exam, the detriment caused to the University by the offence, and the need to deter others from committing similar offences.

69. However, the Panel raised concern about the length of time it took to prosecute this case: the offences took place in 2020 and 2021 and the Notice of Hearing was issued in 2023. Assistant Discipline Counsel argued that even with the delay in prosecution, the time sought for the suspension and the transcript notation was appropriate. Counsel argued that the Discipline Appeals Board (“DAB”) case of D.S.⁸ was instructive. In that case, the DAB held that sanctions are generally to commence from the date the sanction is imposed by the Tribunal. The DAB stated that it is possible, “in exceptional circumstances,” to back date a penalty but that a “principled reason must be given for doing so; to do otherwise would result in a wide disparity among sanctions.”⁹

⁵ *The University of Toronto and W.L.J.* (Case No. 815, January 19, 2016)

⁶ *The University of Toronto and M.H.H.* (Case No. 521, January 12, 2009)

⁷ *The University of Toronto and T.W.* (Case No. 712, October 9, 2014)

⁸ *The University of Toronto and D.S.* (Case No. 451, August 24, 2007)

⁹ *The University of Toronto and D.S.*, para 54.

70. Given that the Student did not participate in the hearing, the Panel has no evidence before it on which it can find a principled reason to depart from the general rule.

71. For these reasons, the Panel was satisfied that the appropriate sanction was the one sought by the University.

H. CONCLUSION

72. This Panel orders that:

- a. the hearing may proceed in the Student's absence;
- b. the Student is guilty of two counts of unauthorized assistance, contrary to B.I.1(b) of the Code;
- c. The following sanctions shall be imposed on the Student:
 - (i) the Student receive a final grade of zero in CSCA67H3 in Fall 2020;
 - (ii) the Student receive a final grade of zero in MGEB05H3 in Winter 2021;
 - (iii) the Student be suspended from the University for a period of three years commencing on June 16, 2023;
 - (iv) a notation of the sanction be placed on the Student's academic record and transcript for a period of four years commencing on June 16, 2023; and
- d. 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.

Dated at Toronto at this 04 day of October 2023.

Original signed by:

Alexi Wood, Chair
On behalf of the Panel