

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on November 9, 2021,

**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 -**

M [REDACTED] E [REDACTED] – E [REDACTED]

**REASONS FOR DECISION**

**Hearing Date:** August 23, 2023, via Zoom

**Members of the Panel:**

Dena Varah, Chair

Professor Emily Nacol, Faculty Panel Member

Cameron Miranda-Radbord, Student Panel Member

**Appearances:**

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

Daniel Walker, Counsel for M [REDACTED] E [REDACTED] - E [REDACTED] Bobila Walker Law (Briefly at the start of the proceeding)

**Hearing Secretary:**

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

**Not In Attendance:**

M [REDACTED] E [REDACTED] - E [REDACTED]

1. The Trial Division of the University of Toronto's University Tribunal was convened on August 23, 2023. M█████ E█████-E█████ (the "Student") was represented by counsel, Daniel Walker, who briefly attended the hearing after being contacted by Assistant Discipline Counsel. Mr. Walker advised that he had not intended to attend the hearing and asked to be contacted only if the Panel was considering rejecting the Joint Submission on Penalty. Mr. Walker left the hearing, and it proceeded in his absence.

### **PART 1 - CHARGES**

2. The Student is Charged with six offences under the *Code of Behaviour on Academic Matters, 2019* ("Code"):

1. On or about March 18, 2021, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in Test 2 in ECE286H1: Probability and Statistics (the "Course"), contrary to section B.I.1(b) of the *Code*.
2. In addition and in the alternative to charge 1, on or about March 18, 2021, you knowingly aided and assisted other students in the Course to use or possess an unauthorized aid or aids or obtain unauthorized assistance in Test 2, contrary to sections B.I.1.(b) and B.II.1(a) of the *Code*.
3. In addition and in the alternative to charges 1 and 2, 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, contrary to section B.I.3(b) of the *Code*, in connection with Test 2 in the Course.
4. On or about April 27, 2021, you knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in the final exam in the Course, contrary to section B.I.1(b) of the *Code*.
5. In addition and in the alternative to charge 4, on or about April 27, 2021, you knowingly aided and assisted other students in the Course to use or possess an unauthorized aid or aids or obtain unauthorized assistance in the final exam, contrary to sections B.I.1.(b) and B.II.1(a) of the *Code*.

6. In addition and in the alternative to charges 4 and 5, 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, contrary to section B.I.3(b) of the *Code*, in connection with the final exam in the Course.

## **PART 2 - THE AGREED STATEMENT OF FACTS & PLEA**

3. At the outset of the hearing, Assistant Discipline Counsel advised that the University and the Student had entered into an Agreed Statement of Facts (“ASF”). The ASF without attachments is attached hereto as Appendix “A”.

4. Pursuant to the ASF, the Student plead guilty to the six charges listed above.

5. Although the Student was not in attendance to confirm he accepted the plea as set out in the ASF on the Offences, his counsel, in his brief appearance, noted that he was not planning on attending because the parties had agreed to an ASF on Offences and a Joint Submission on Penalty. The Panel is satisfied that the Student agreed to and accepted the ASF on Offences and the plea contained therein.

## **PART 3 - THE FACTS UNDERLYING THE CHARGES**

### **Background**

6. The Student was enrolled in ECE286H1: Probability and Statistics taught by Dr. Mark Ebden in Winter 2021 (the “Course”). In the Course, Students were required to write an assignment (worth 15% of the final grade), two midterms – Test 1 (worth 20% of the final grade) and Test 2 (worth 30% of the final grade) and a final exam (the “Final Exam”) (worth 35% of the final grade).

7. In January 2021, Dr. Ebden posted instructions about the term tests and Final Exam to Quercus, the University’s learning management engine. Dr. Ebden’s instructions specified that

printed material, the internet, calculators and computing platforms were allowed, but interaction with other people directly or indirectly was prohibited.

8. Along with the Student, other students in the class relevant to the facts at issue were: V.B., M.C., T.C., R.H., X.S., M.T., C.U-O., A.V. and J.X. (the “Involved Students”).

9. Test 2 was administered from 9:00 a.m. to 11:00 a.m. on March 18, 2021. Although Test 2 was open book, the instructions reiterated that there was to be no interaction with other people directly or indirectly. The first question on Test 2 also asked students to affirm their adherence to the Code and that during the administration of Test 2 they would not share technical content of Test 2 with others.

10. The Student submitted his test on March 18, 2021 as did M.C. and C.U.-O. All three students completed the required academic integrity confirmation.

11. The Final Exam was administered from 7:00 p.m. to 9:30 p.m. on April 27, 2021. The exam was open book but, like Test 2, reminded students that there was to be no interaction with other people directly or indirectly. There were five versions of the Final Exam. Version A was for a student who required accommodations, while Version B was for those who wrote a deferred exam. Version C was the default exam, and versions D and E contained subtle differences. For example, version D and E reversed the orders of questions 5 and 6 and 9 and 10.

12. Version C was distributed to students with surnames starting with letters A to K. Students with surnames starting with letters M to Z received Version D. Version E was reserved for those students with surnames starting with the letter L.

13. All versions of the exam once again contained an academic integrity confirmation, which

all Involved Students completed.

### **The Investigations**

14. Dr. Ebden found several similarities in the answers on the Final Exams submitted by the Involved Students. Dr. Ebden prepared a report and a chart of these similarities, which was included in the material before the Panel. With respect to the Student, Dr. Ebden notes that his answers were similar to the other Involved Students' answers in a number of ways, including making the same mistakes, answering questions from versions of the Final Exam other than the one he received, and arriving at the same answers as other Involved Students without showing any work to arrive at those answers.

15. Dr. Ebden emailed the Student with his concerns that the Student had obtained unauthorized assistance on the Final Exam. They exchanged several emails on the topic.

16. Given his concerns about the Final Exam, Dr. Ebden went back to examine the answers of the Involved Students on Test 1 and Test 2. Dr. Ebden discovered that the Student and M.C. and C.U.-O. had several similarities in answers given on Test 2. He prepared a report and a chart demonstrating these similarities that were provided to the Panel. This material demonstrated that similar mistakes and non-standard notations were made by the Student, M.C. and C.U.-O.

### **The Dean's Designate Meetings**

17. In June 2021, the Dean's office at the Faculty of Engineering and Applied Science received the allegations that several students, including the Student, collaborated on the Final Exam and Test 2. The late Hans Kunov, Professor Emeritus and Dean's Designate of academic integrity, and Pamela Kennedy, Accreditation and Academic Integrity Coordinator, oversaw these allegations.

### **The Meetings Regarding the Final Exam**

18. Between June and September 2021, Professor Kunov, Dr. Ebden and Ms. Kennedy met with all of the Students, other than M.C., who did not participate in the process. Ms. Kennedy took detailed minutes of these meetings, which were included in the evidence before the Panel.

19. A.B., T.C., R.H., M.T., X.S., A.V. and J.X. each admitted to collaborating with other Involved Students during the Final Exam.

20. Professor Kunov, Dr. Ebden and Ms. Kennedy met with C.U.-O. on June 23, 2021. C.U.-O. made the following statements during that meeting:

a) He was close friends with the Student, went to high school with the Student, and he lived down the street from the Student;

b) During the semester, the Student's laptop was not working so he let the Student use his laptop. During this time, the Student used his laptop to log into the Student's OneNote account; and

c) During the Exam, his computer was still logged into the Student's OneNote account. He got his answers for the Exam from the Student's OneNote account. He did not share the Student's notes with any other students.

21. C.U.-O told Professor Kunov that he had messages with the Student that verified this story. He never sent Professor Kunov any such emails.

22. The meeting with the Student regarding the allegations of collaboration on the Final Exam took place on July 9, 2021. At the meeting the Student said that:

a) He had previously advised Dr. Ebden that he did not know C.U.-O. because he was not closely acquainted with C.U.-O. He went to high school with C.U.-O., and C.U.-O. was an acquaintance in the academic sense;

b) His laptop was broken, so he borrowed C.U.-O.'s laptop, and logged into C.U.-O.'s account using OneNote. When Professor Kunov asked the Student why he would use OneNote on a computer that he had borrowed from C.U.-O., the Student did not have an answer; and

c) He did not commit an academic offence and had not discussed the allegations with anyone.

23. Following the meeting, the Student sent Professor Kunov documents he said supported his version of event. These documents did not support the stories of C.U.-O and the Student.

### **The Meetings Regarding Test 2**

24. On August 26, 2022, Professor Kunov, Ms. Kennedy, and Dr. Ebden met with C.U.-O. to discuss the allegations that he had collaborated with other students during Test 2. C.U.-O. denied that he had committed an academic offence in relation to Test 2.

25. On September 22, 2022, Professor Kunov, Ms. Kennedy, and Dr. Ebden again met with the Student to discuss the allegations that he had collaborated with other students during Test 2. During the meeting, the Student denied that he had received unauthorized assistance on Test 2, even when Dr. Ebden reviewed the similarities between his answers and those of other Involved Students.

### **Important Procedural Steps**

26. The charges were served on the Student by email on November 9, 2021. Assistant Discipline Counsel sent the Student disclosure by email.

27. On June 6, 2022, the Student's counsel notified Assistant Discipline Counsel the Student had retained him for this matter.

28. On August 15, 2022, Assistant Discipline Counsel provided the Student's counsel an affidavit of C.U.-O. In that affidavit, C.U.-O admitted that he lied during his Dean's Designate meetings, and that he collaborated with the Student on both the Final Exam and Test 2.

#### **PART 4 - FINDINGS ON LIABILITY**

29. The Panel reviewed the ASF on Offences, the documents in support thereof and considered the submissions of Assistant Discipline Counsel and counsel for the Student. The evidence strongly supports that the Student provided and received unauthorized assistance on both the Final Exam and on Test 2.

30. With regard to the final charge, Assistant Discipline Counsel confirmed that it was not withdrawn despite the findings on the earlier charges because the Student engaged in academic dishonesty and cheating in the Dean's Designate meetings. The affidavit of C.U.-O. cogently sets out the deceit that he and the Student engaged in to avoid the Student being charged with or held responsible for any offences.

31. After deliberations, the Panel determined that the evidence establishes all of the charges. The Panel accepted the guilty plea entered by the Student.

#### **PART 5 - SUBMISSIONS ON PENALTY**

32. The Parties submitted an ASF on Penalty and a Joint Submission on Penalty (the "JSP").



The JSP provides for:

- a) A final grade of zero in ECE286H1 in Winter 2021;
  - b) A suspension from the University for 5 years commencing on the date of the Tribunal's order; and
  - c) A notation of the offence on the Student's academic record and transcript for 6 years commencing on the date of Tribunal's order; and
  - d) That this case be reported to the Provost for publication of a notice of the Tribunal's decision and the sanction imposed, with the Student's name withheld.
33. According to the ASF on Penalty, the Student has four prior offences:
- a) Plagiarism in an assignment in ESC102 in Fall 2019 (the "first offence");
  - b) Plagiarism in a midterm exam in ECE253 in Fall 2020 (the "second offence");
  - c) Plagiarism in a lab report in PHY293 in Fall 2020 (the "third offence"); and
  - d) Plagiarism in the final assignment in PHY293 in Fall 2020 (the "fourth offence").
34. On the first offence, the Student admitted that he had plagiarized and said that he would not do it again. He received a warning about academic integrity and was sanctioned with a 50% grade reduction on the assignment.
35. In the Fall 2020, the Student committed three further academic offences in two different courses. The Student admitted the second offence and received a final grade of zero.
36. The Student also admitted that he committed the third offence and received a grade of zero on the lab report.
37. As the Student was not aware of the allegations relating to the second offence when he committed the third offence, the University decided to combine these two offences to be recorded

as the Student's second offence.

38. The Student committed the fourth offence on December 22, 2020. He met with Professor Russo, the instructor of PHY293, on January 14, 2021. Professor Russo informed the Student by email of January 21, 2021, that he was notifying the academic integrity office about the allegations relating to the fourth offence. A scheduled Dean's Designate meeting was cancelled in February in favour of the matter being dealt with at the level of the Office of the Vice-Provost.

39. The fourth offence was referred back to the Vice-Provost in April 2021. The Student met with the Dean's Designate on May 6, 2021. During that meeting he admitted to committing the fourth offence. He was sanctioned with a final grade of zero in PHY293 and was required to complete a module called Developing Professional Integrity – Ethics and Plagiarism.

40. The Student committed the offences at issue in this matter while the process for the fourth offence was still outstanding. He denied committing the offences in ECE286 and spun the story with C.U.-O. after he had already attended five meetings for the Developing Professional Integrity Module.

### **Decision on penalty**

41. Although the Panel is not required to accept the JSP, a joint submission may only be rejected in circumstances where accepted it would be "contrary to the public interest or bring the administration of justice into disrepute." (see for example, the *University of Toronto and M.A.* (Case No. 837, December 22, 2016 (Appeal)). As set out below, the Panel accepts the JSP but does so with reservations.

42. The seminal case of the *University of Toronto and Mr. C.* (Case No. 1976-77-3, November

5, 1976) sets out the broad factors to consider in sentencing at this Tribunal:

- 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;
- f) the need to deter others from committing a similar offence.

43. In this case, the factors relating to the Student himself – his character and the likelihood of repetition of the offence – support the most severe sanction, which is a recommendation that he be expelled. Not only did the Student commit academic offences on numerous occasions, but he committed these offences while another offence was being processed. He lied about these offences after engaging in a module on ethics. Given this history, the chance of repetition of the offence is very high.

44. The nature of the offences, both the cheating on the Final Exam and Test 2, and the dishonesty in the Dean's Designate process are very serious. The University depends on students abiding by the conduct they set out in each course, especially where exams are taken online or at home. Here the Student and many others disregarded the confirmation of academic integrity they completed. The University also relies on students honestly engaging in the disciplinary process. The detriment to the University and the need to deter others are both significant with the offences at issue.

45. The fact that the Student cooperated and entered into an ASF on both the offence and penalty and a JSP is the sole mitigating factor.

46. The Panel accepts the JSP because it was not contrary to the public interest, nor did it bring the administration of justice into disrepute. It did so with some unease, however, as the history of offences of the Student, the offences themselves and the misrepresentations at Dean's Designates meetings, all pointed to the most serious sanction available. Like the Panel noted in the *University of Toronto and O.E.* (Case No. 923, August 30, 2017), in the absence of the JSP, the *Mr. C.* factors would have led to a greater penalty than the parties themselves agreed. The Panel's decision absent a JSP would have been to recommend expulsion. This is of no moment as the standard is not one of reasonableness, and the Panel must not – and will not – substitute its own judgment in place of the JSP.

#### **PART 6 - THE ORDER**

47. This matter was heard electronically on August 23, 2023, and after hearing the evidence called and submissions from Assistant Discipline Counsel, the University Tribunal orders that:

1. The Student is guilty of the following academic offences:
  - a. two counts of knowingly obtaining unauthorized assistance, contrary to section B.I.1(b) of the *Code of Behaviour on Academic Matters*;
  - b. two counts of knowingly aiding and assisting other students to commit an academic offence, contrary to sections B.I.1(b) and B.II.1(a) of the Code; and
  - c. two counts of knowingly engaging 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, contrary to section B.I.3(b) of the Code.

2. The following sanctions shall be imposed on the Student:
  - a. A final grade of zero in ECE286H1 in Winter 2021;
  - b. A suspension from the University for 5 years commencing on the date of the Tribunal's order; and
  - c. A notation of the offence on the Student's academic record and transcript for 6 years commencing on the date of Tribunal's order.
3. 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 22<sup>nd</sup> day of November, 2023.

Original signed by: \_\_\_\_\_

Dena Varah, Chair

On behalf of the Panel

**THE UNIVERSITY TRIBUNAL  
THE UNIVERSITY OF TORONTO**

**IN THE MATTER OF** charges of academic dishonesty filed on November 9, 2021,

**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 -**

**M [REDACTED] E [REDACTED] -E [REDACTED]**

**AGREED STATEMENT OF FACTS**

1. For the purposes of this hearing under the *Code of Behaviour on Academic Matters* (“Code”), the Provost of the University of Toronto and M [REDACTED] E [REDACTED] -E [REDACTED] (“M.E-E.”) have prepared this Agreed Statement of Facts (“ASF”). The Provost and M.E-E. agree that:

- (a) each document attached to the ASF may be admitted into evidence before the Tribunal for all purposes, including for the truth of the document’s contents, without further need to prove the document; and
- (b) if a document indicates that it was sent or received by someone, that is *prima facie* proof that the document was sent and received as indicated.

2. This hearing arises out of charges of academic misconduct filed by the Provost on November 9, 2021. A copy of the charges is attached to the ASF at **Tab A**.

3. M.E-E. acknowledges that he has received a copy of the charges, waives the reading of the charges, and pleads guilty to all charges.

4. M.E-E. acknowledges that he has reasonable notice of this hearing. A copy of the Notice of Electronic Hearing for this matter is attached to the ASF at **Tab B**.

5. A copy of M.E-E.'s academic record is attached to the ASF at **Tab C**.

**A. The Course**

6. In Winter 2021, Mark Ebden taught ECE286H1: Probability and Statistics (the "Course"). Students in the Course were required to write an assignment (worth 15%), two mid-terms - Test 1 (worth 20%) and Test 2 (worth 30%), and a final exam worth 35% (the "Exam"). A copy of the syllabus is attached to the ASF at **Tab D**.

7. The syllabus contained a section on academic integrity that stated students were responsible for knowing the content of the University of Toronto's *Code of Behaviour on Academic Matters*, and to contact Dr. Ebden if they had any questions.

8. In January 2021, Dr. Ebden posted instructions about the term tests and the Exam to Quercus. The instructions stated that printed material, the internet, calculators, and computing platforms were allowed provided that there was no interaction with other people directly or indirectly. A copy of the term test and the Exam instructions is attached to the ASF at **Tab E**.

9. M.E-E., Vatsal Bagri ("V.B."), Mengjue Chen (M.C.), Tony Chung ("T.C."), Rayan Hossain ("R.H."), Xiaodi Shi ("X.S."), Morgan Tran ("M.T."), Chetachi Ugwu-Ojobe (C.U-

O.), Abhay Verma (“A.V.”), and Justin Xu (“J.X.”) were all students in the Course (the “Students”).

10. Test 2 was administered online on March 18, 2021, from 9:00 a.m. to 11:00 a.m. Test 2 was open book, but the instructions reminded students that there was to be no interaction with other people either directly or indirectly. Question 1 on Test 2 asked students to affirm adherence to the *Code of Behaviour on Academic Matters*, and that between 9:00 a.m. and 11:00 p.m. that day, they would not share technical content of Test 2 with others. A copy of Test 2 is attached to the ASF at **Tab F**.

11. On March 18, 2021, M.E-E., M.C., and C.U-O. each submitted their Test 2 with the required academic integrity confirmation. A copy of these students’ Test 2 is attached to the ASF at **Tab G**.

12. The Exam was administered online on April 27, 2021, from 7:00 p.m. to 9:30 p.m. EST. The Exam was open book, but the instructions again stated that there was to be no interaction with other people either directly or indirectly.

13. Dr. Ebden distributed five different versions of the Exam to students. Version A was distributed to a student who required accommodations, and Version B was distributed to 4 students who wrote a deferred exam. Version C was the default exam, and versions D and E contained subtle differences to produce distinctive answers. For version D of the exam, questions 5 and 6 were reversed (*e.g.*, question 5 on version D was question 6 on version E and vice versa), as were questions 9 and 10. A copy of versions C, D, and E of the Exam is attached to the ASF at **Tab H**.



14. The Exams were distributed as follows: Version C was distributed to students with surnames A to K; Version D was distributed to students with surnames M to Z; and Version E was distributed to students with surnames L.

15. The first question on each version of the Exam asked students to affirm adherence to the *Code of Behaviour on Academic Matters*, and that between 7:00 p.m. on the night of the Exam and 11:30 a.m. the next morning, they would not share technical content of the Exam with others.

16. On April 27, 2021, the Students submitted their Exams with the required academic integrity confirmation. Copies of the Students' Exams are attached to the ASF at **Tab I**.

## **B. The investigation**

### **1. The Exam investigation**

17. As Dr. Ebden reviewed the Exams, he found many unusual similarities between the Students' answers. Dr. Ebden prepared a report that set out the similarities in detail. A copy of this report is attached to the ASF at **Tab J**.

18. Dr. Ebden identified several similarities between M.E-E.'s answers and other students' answers on the Exam. The similarities included idiosyncratic features, such as making the same mistakes as other students, including information from a version of the Exam that he did not receive, and arriving at the same answer as other students without showing enough work. A chart that compares a sample of students who gave similar answers on the Exam is attached to the ASF at **Tab K**.

19. In May 2021, Dr. Ebden and M.E-E. exchanged several emails about Dr. Ebden's concerns that M.E-E. obtained unauthorized assistance on the Exam.

## **2. The Test 2 investigation**

20. After discovering that several students had unusually similar answers on the Exam, Dr. Ebden examined several students' answers to other tests in the course. Dr. Ebden identified unusual similarities in the answers given by M.E-E., M.C., and C.U-O. in relation to Test 2. Dr. Ebden prepared a report that set out the similarities in detail. A copy of this report is attached to the ASF at **Tab L**.

21. Dr. Ebden identified several similarities between M.E-E.'s, M.C.'s, and C.U-O.'s answers on Test 2. The similarities included idiosyncratic features, such as making the same mistakes as other students, arriving at the same answer as other students without showing enough work, and using the same non-standard notation as other students. A chart that compares M.E-E.'s, M.C.'s, and C.U-O.'s answers on Test 2 is attached to the ASF at **Tab M**.

22. In July 2021, Dr. Ebden and M.E-E. exchanged several emails about Dr. Ebden's concerns that M.E-E. obtained unauthorized assistance on Test 2.

## **C. The Dean's Office**

23. In June 2021, the Dean's office at the Faculty of Engineering and Applied Science received allegations that several students collaborated on the Exam and Test 2. The late Hans Kunov, Professor Emeritus and Dean's Designate of academic integrity, and Pamela Kennedy, Accreditation and Academic Integrity Coordinator, oversaw these allegations.

### 1. Dean's Designate meetings about the Exam

24. From June to September 2021, Professor Kunov, Dr. Ebden, and Ms. Kennedy met with each of the Students except M.C. Ms. Kennedy advised the Students at the start of each meeting that minutes would be taken and could be used as evidence if the matter proceeded. Ms. Kennedy took detailed notes of each meeting and has confirmed that they are accurate. Copies of Ms. Kennedy's notes and other admissions that students made via email are attached to the ASF at **Tab N**.

25. A.B., T.C., R.H., M.T. X.S., A.V., and J.X. all admitted to collaborating with other Students during the Exam. Several of these students admitted to using Google Docs to collaborate with each other during the Exam.

26. On June 23, 2021, Professor Kunov, Ms. Kennedy, and Dr. Ebden met with C.U-O. to discuss the allegations that he had collaborated with other students during the Exam. During the meeting, C.U-O. stated that:

- (a) He was close friends with M.E-E., he went to high school with M.E-E., and he lived down the street from M.E-E.;
- (b) During the semester, M.E-E.'s laptop was not working so he let M.E-E. use his laptop. During this time, M.E-E. used his laptop to log into M.E-E.'s OneNote account; and
- (c) During the Exam, his computer was still logged into M.E-E.'s OneNote account. He got his answers for the Exam from M.E-E.'s OneNote account. He did not share M.E-E.'s notes with other students. He only accessed M.E-

E.'s OneNote account for the Exam. After he met with Dr. Ebden to discuss the allegations, he told M.E-E. that he had used M.E-E.'s OneNote account during the Exam. He could provide messages he exchanged with M.E-E. to verify his story.

27. C.U-O. did not send Professor Kunov any messages that verified his story.

28. On July 9, 2021, Professor Kunov, Ms. Kennedy, and Dr. Ebden met with M.E-E. to discuss the allegations that he had collaborated with other students during the Exam.

During the meeting:

(a) M.E-E. stated that his relationship with C.U-O. was private, and that he had previously told Dr. Ebden that he did not know C.U-O. because he was not closely acquainted with C.U-O. M.E-E. also stated that he went to high school with C.U-O., and that C.U-O. was an acquaintance in the academic sense.

(b) M.E-E. stated that his laptop was broken, so he borrowed C.U-O.'s laptop, and logged into C.U-O.'s account using OneNote. When Professor Kunov asked M.E-E. why he would use OneNote on a computer that he had borrowed from C.U-O., M.E-E. said that he did not know.

(c) M.E-E. denied committing an academic offence, and he denied that he had discussed the allegations with anyone.

29. After the meeting, M.E-E. sent Professor Kunov several documents that M.E-E. claimed supported his version of events, including a service request for his laptop and

screenshots of his OneNote account. Professor Kunov reviewed these documents and found that they did not support M.E-E.'s version of events. A copy of these documents is attached to the ASF at **Tab O**.

30. On July 23, 2021, at M.E-E.'s request, Professor Kunov met with M.E-E., Ms. Kennedy, and Dr. Ebden to discuss the Exam allegations again. During the meeting, Dr. Ebden explained his concerns about M.E-E.'s answers, and M.E-E. denied that he committed an offence.

## **2. Dean's meetings about Test 2**

31. On August 26, 2022, Professor Kunov, Ms. Kennedy, and Dr. Ebden met with C.U-O. to discuss the allegations that he had collaborated with other students during Test 2. C.U-O. stated that he would not admit to an academic offence in relation to Test 2 if the evidence was not clear. C.U-O. then denied that he had committed an academic offence in relation to Test 2.

32. On September 22, 2022, Professor Kunov, Ms. Kennedy, and Dr. Ebden met with M.E-E. to discuss the allegations that he had collaborated with other students during Test 2. During the meeting, M.E-E. denied that he had received unauthorized assistance on Test 2. Dr. Ebden reviewed several questions where M.E-E.'s answers were similar to the answers given by other students in the Course, and M.E-E. again denied that he had committed an offence.

33. M.C. did not attend a Dean's Designate meeting about the Exam or Test 2, and the allegations were forwarded to the Provost.

**D. Procedural history**

34. On November 9, 2021, the Office of the Vice-Provost, Faculty and Academic Life served the charges in this matter on M.E-E. by email.

35. On April 14, 2022, Assistant Discipline Counsel sent M.E-E. disclosure by email.

36. On May 24, 2022, Assistant Discipline Counsel requested that M.E-E. provide his availability for a hearing. M.E-E. did not respond.

37. On June 6, 2022, counsel for M.E-E. notified Assistant Discipline Counsel that M.E-E. had retained him for this matter.

38. On August 15, 2022, Assistant Discipline Counsel sent M.E-E. an affidavit of C.U-O. In his affidavit, C.U-O. gives evidence that the statements he made to Professor Kunov, Ms. Kennedy, and Dr. Ebden during the Dean's Designate meetings were false and that he collaborated with M.E-E. on the Exam and Test 2. A copy of C.U-O.'s affidavit (without exhibits) is attached to this ASF at **Tab P**.

39. M.E-E. accepts the evidence of C.U-O. as true and waives his right under the *Rules of Practice and Procedure* to cross-examine C.U-O.

40. At M.E-E.'s request, the Provost gave M.E-E. additional time to review disclosure. The parties then scheduled a hearing for August 2023 on consent.

**E. Admissions and acknowledgements**

41. M.E-E. admits that the statements he made during the Dean's Designate meetings on July 9, 2021, July 23, 2021, September 22, 2021, were false. M.E-E. admits that he

and C.U-O. came up with a false version of events in which C.U-O. took the blame for M.E-E. in relation to the allegations in this proceeding.

42. M.E-E. admits that he obtained assistance from and aided several other students in the Course, including C.U-O. and M.C., in connection with the Exam and Test 2.

43. M.E-E. admits that he knowingly used or possessed an unauthorized aid or aids or obtained unauthorized assistance in connection with the Exam and Test 2, contrary to section B.I.1(b) of the Code.

44. M.E-E. admits that he knowingly aided and assisted other students in the Course to use or possess an unauthorized aid or aids or obtain unauthorized assistance in the Exam and Test 2, contrary to sections B.I.1.(b) and B.II.1(a) of the Code.

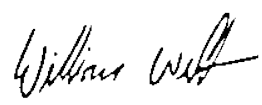
45. M.E-E. admits that he knowingly engaged in a form of cheating, academic dishonesty or misconduct, fraud or misrepresentation not otherwise described in the Code in order to obtain academic credit or other academic advantage of any kind, in connection with the Exam and Test 2, contrary to section B.I.3(b) of the Code.

46. M.E-E. acknowledges that he is signing this ASF freely and voluntarily, knowing of the potential consequences he faces, and does so with the advice of counsel.

Date: August 14, 2023

[REDACTED]  
M [REDACTED] E [REDACTED] -E [REDACTED]

Date: August 15, 2023



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William Webb  
Assistant Discipline Counsel  
University of Toronto